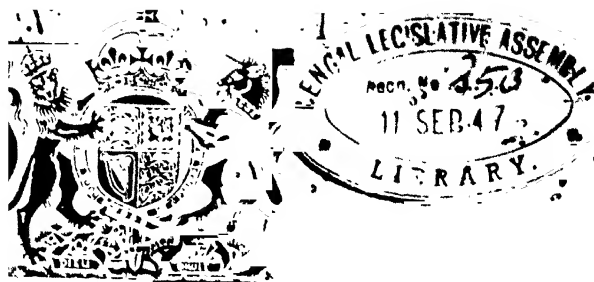


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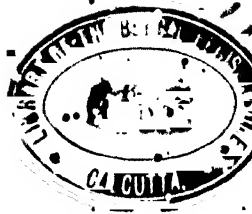
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Z

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THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Fifth Session.)

Volume LIV—No. 6.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 17th April, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.)
in the Chair, 9 Hon'ble Ministers and 190 members.

Obituary Reference.

MR. SPEAKER: Ladies and gentlemen, I am sure the whole of Bengal is mourning to-day the great railway disaster and the shock is reverberating through the hearths and homes of Bengal. As you know, early this morning there was a most serious collision between the North Bengal Express and the Dacca Mail. It has not only affected many families but has also affected this House inasmuch as one of our esteemed members, Mr. Birendra Nath Mazumdar, Chairman of the Dacca Municipality, has lost his life as a result of the accident. Mr. Mazumdar was a man of genial and amiable disposition and, I am sure, his loss is a great loss to us all and to this Assembly, to the Dacca public, as also to the municipality of Dacca. On an occasion like this it is very difficult to give full expression to our grief. Before I conclude, however, I must express the concern of the House about the grave injury which has been received by Mr. Manoranjan Bannerjee, another of our members. As soon as I got information, I took steps to send one of my officers to the Medical College Hospital who personally saw Mr. Banerjee and had a few words with him. The injuries are really serious but I hope and pray that he will recover. As a matter of fact, I am assured that his condition is satisfactory for the time being and unless any complications develop, will take a better turn. We are

really grieved to hear of it and pray to the Almighty for his speedy recovery and return in our midst. On an occasion like this it is our duty to convey our mournful message of sympathy to the bereaved family of Mr. Birendra Nath Mazumdar, but I believe it is also the unanimous wish of you all that we should express our sincere condolence to all the families that may have suffered in this disaster. I hope, ladies and gentlemen, you will kindly rise in your seats as an expression of sympathy.

(All members having risen in their seats).

Thank you, ladies and gentlemen.

The occasion is really tragic and we should not proceed with the discussion of such a controversial subject as the Calcutta Municipal (Amendment) Bill to-day. I, therefore, propose to adjourn the House now.

Adjournment.

The House was then adjourned till 4-45 p.m. on Tuesday, the 18th April, 1939, at the Assembly House, Calcutta.

**Proceedings of the Bengal Legislative Assembly assembled
under the provisions of the Government of India Act, 1935.**

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday,
the 18th April, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.A.E.)
in the Chair, 10 Hon'ble Ministers and 214 members.

STARRED QUESTIONS

(to which oral answers were given)

Fees for X-Ray examination in Dacca Mitford Hospital.

*331. Maulvi MD. ABDUL HAKIM VIKRAMPURI: (a) Is the Hon'ble Minister in charge of the Public Health and Medical Department aware—

- (i) that the charge of X-Ray examination in the Dacca Mitford Hospital is Rs. 16;
 - (ii) that 95 per cent. of the examination fees is appropriated by the X-Ray Examiner of the hospital; and
 - (iii) that 5 per cent. only goes to the hospital fund?
- (b) Will the Hon'ble Minister be pleased to state—
- (i) whether the X-Ray Examiner is a Government servant; and
 - (ii) the reasons for the appropriation by him of a portion of the examination fees realised on account of examination in the hospital?
- (c) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of reducing the charge for X-Ray examination?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) (i) The rates of fees charged in the department of X-Ray and Electrotherapeutics in the Mitford Hospital and other State hospitals vary. A statement showing the scales of fees is laid on the Library table.

(ii) and (iii) The Radiologist gets 95 per cent. of the fees realised from private patients, 5 per cent. being credited to Government for the use of machinery and consumption of current. Fees realised from hospital patients are entirely credited to Government.

(b) The Radiologist is a Bengal Medical Service officer. He has the right of private practice and in accordance with the terms of appointment is entitled to the fees earned in private cases after necessary deduction made for the use of Government materials.

(c) Yes. Further revision of the charges is under the consideration of Government. The Radiologist has been authorised to take reduced fees from private patients, provided fees payable to Government are calculated and credited at the prescribed rates.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether the making of the X-Ray examination by the Radiologist in the Mitford Hospital is considered to be his private practice?

The Hon'ble Mr. TAMIZUDDIN KHAN: So far as hospital patients are concerned, the Radiologist cannot charge any fees for himself. All the fees that are charged are credited to the Government, but if private patients are examined by him he gets 95 per cent. of the fees.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state why he makes a differentiation in the X-Ray examination between the persons admitted into the Mitford (Medical School) Hospital and the persons who come to that hospital for that purpose?

Mr. SPEAKER: I am afraid you yourself have not been able to make any differentiation between the two. You want to know: why should there be this difference between the two kinds of patients?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not think, Sir, that any differentiation is actually made. The Radiologist has been authorised to take reduced fees from private patients, in case he thinks it necessary and proper.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether he has given discretion to the Radiologist to say that this patient is a private patient and that patient a hospital patient?

Mr. SPEAKER: That question does not arise.

Maulvi ABDUL LATIF BISWAS: My submission is this, Sir. In his reply to questions (ii) and (iii) he says that the Radiologist gets 95 per cent. of the fees realized from private patients even if they go to the hospital for examination. The object of my question is this—that even if a patient goes to the Medical School Hospital for the purpose of X-Ray examination why should the Radiologist be allowed 95 per cent. of the fees?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is one of the conditions of his appointment.

Last Bengal Civil Service (Executive) Examination.

***332. Rai Sahib KIRPI BHUSAN DAS:** (a) Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to lay on the table a statement showing—

- (i) how many candidates appeared in the last Bengal Civil Service (Executive) Examination;
- (ii) how many of them have passed;
- (iii) how many of them have received appointments amongst—
 - (1) Caste Hindus,
 - (2) Scheduled Castes, and
 - (3) Muslims; and
- (iv) the proportion of such appointments amongst them?
- (b) Will the Hon'ble Minister be pleased to state—
 - (i) whether there is any fixed rule for such appointments; and
 - (ii) if so, whether the Government contemplate revision of that rule?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) (i) 302.

(ii) 217.

(iii) (1) 37.

(2) Three candidates belonged to the minority communities and backward classes of whom 2 were Scheduled Castes.

(3) 35.

(iv) *Vide* (iii) above.

(b) (i) Yes, there are rules governing the appointments to the Provincial Services.

(ii) I do not know to what rule my hon'ble friend refers.

QUESTIONS.

[18TH APRIL,

SJ. NARENDRA NATH DAS GUPTA: With reference to answer (a) (ii), will the Hon'ble Minister be pleased to state what was the basis of giving appointments to these 37 Caste Hindus, 3 minority communities and 35 Muslims, out of the 217 candidates mentioned in the previous answer?

The Hon'ble Khwaja Sir NAZIMUDDIN: Competitive examination.

SJ. NARENDRA NATH DAS GUPTA: Were these appointments made in the order of merit?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, subject to the reservation of percentages for the communities concerned.

SJ. NARENDRA NATH DAS GUPTA: In the order of merit among the respective communities?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state out of 217, how many candidates passed from the Scheduled Castes?

The Hon'ble Khwaja Sir NAZIMUDDIN: Apart from the two who received appointments, there were no other Scheduled Castes candidates among the 217 who qualified.

National Electrification Scheme.

***333. Mr. JATINDRA NATH CHAKRAVARTY:** (a) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware that the Hon'ble the Finance Minister in the course of a discussion declared in the Assembly in September, 1937, that a National Electrification Scheme was under preparation?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the scheme?

(c) If no scheme has been prepared, will the Hon'ble Minister be pleased to state—

(i) when the scheme will materialise; and

(ii) when will it be put into operation?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) No, I am unable to trace any such statement by the Hon'ble the Finance Minister.

(b) Does not arise.

(c) For the information of the House I may state that an investigation by a special officer is now in progress and his report is expected to be received shortly by Government.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he can trace the statement by himself on the subject in which he said that the question of nationalization of electrification schemes would be undertaken by this Government next year?

Mr. SPEAKER: That question does not arise here.

Two bunds in Kotwali police-station in Dinaipur district.

***334. Mr. NISHITHA NATH KUNDU:** (a) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(i) that several hundred tenants of villages, Hussainpur, Abodpur, Sudra, etc., in police-station Kotwali, Gangarampur in Dinaipur, applied for repairs of two *bunds* existing from a long time; and

(ii) that breaches in these *bunds* are devastating every year an area of about 50 square miles?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, do the Government propose to take to prevent damages caused to the tenants and failure of crops in the area?

(c) Are the Government considering the desirability of taking immediate steps for the repair of the *bunds*?

(d) If the answer to (c) is in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

(e) Is it a fact that two Overseers were deputed separately by turn to survey the breaches in the two *bunds*?

(f) If the answer to (e) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) what are their reports; and

(ii) what was the amount of the estimated cost for the repairs?

(g) Will the Hon'ble Minister be pleased to state the amount so far spent for irrigation or construction or repair of *bunds* in the district of Dinajpur?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT: (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) (i) Two petitions were handed over to me last year by the hon'ble member himself.

(ii) I am informed that a total area of about 31 square miles is open to the spill action of the river Punarbhaba through breaches in the *bunds*.

(b) to (d) Government are not responsible for the maintenance of private *bunds*, and enlightened opinion is that such *bunds* do more harm than good.

The hon'ble member has already been informed that the restoration of the *bunds* will not only deprive the areas behind them of the benefit of free flushing but will also bring ruin to the river Purnabhaba by depriving it of its spill areas which should, therefore, be kept unobstructed to the greatest possible extent.

(e) A preliminary enquiry was made by two Overseers of the Malda Section. The areas were also inspected by the Superintending Engineer, South-Western Circle, accompanied by the Executive Engineer, Nadia Rivers Division.

(f) Does not arise in view of my reply to (b), (c) and (d).

(g) No irrigation schemes have been executed and no *bunds* have been constructed or maintained by Government in the district.

Mr. NISHITHA NATH KUNDU: Does the Hon'ble Minister know that of the two *bunds* one running by the west of the river Purnabhaba is recorded in the settlement record as an Imperial road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I am not aware of that.

Mr. NISHITHA NATH KUNDU: The Hon'ble Minister has not replied to my question (b) which is "if the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, do the Government propose to take to prevent damages caused to the tenants and failure of crops in the area"?

Mr. SPEAKER: Government do not propose to take any steps. That is the meaning of the answer given.

Mr. NISHITHA NATH KUNDU: So, are we to take that Government will keep silent over the matter even if it admits that 31 square miles of area are being devastated by floods every year?

In view of answer (g) that "no irrigation schemes have been executed and no bunds have been constructed or maintained by Government in the district", will it be possible for the Hon'ble Minister to visit the area and formulate schemes for irrigation purposes?

Mr. SPEAKER: That is a request for direct action.

Mr. NISHITHA NATH KUNDU: Does the Hon'ble Minister consider the desirability of visiting the area in order to chalk out irrigational schemes for that area?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I may inform the honourable member that along with other districts we have got a list of irrigational schemes for this particular district which are being examined by the department.

Mr. NISHITHA NATH KUNDU: When can we expect these schemes to be prepared?

Mr. SPEAKER: I think you are already tired of asking this question.

Appointment of Jute Overseers.

***335. Mr. DHANANJOY ROY:** (a) Will the Hon'ble Minister in charge of the Agriculture and Veterinary Department be pleased to state—

- (i) the total number of Overseers for the Indian Central Jute Committee appointed by the Director of Agriculture in the year 1937-38 with a statement of their respective qualifications;
- (ii) how many of them are Caste Hindus, Muslims and Scheduled Castes; and
- (iii) how many candidates applied for the post of Overseers from the members of the Scheduled Castes with a statement of their respective qualifications;

(b) Is there any appointment from the members of the Scheduled Castes?

(c) If not, why not?

MINISTER in charge of the AGRICULTURE and VETERINARY DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) (i) Fifteen. A statement of their qualifications is placed on the table.

(ii) Caste Hindus

... 7

Muslims

... 8

Scheduled Caste

... Nil

(iii) The appointments were made partly from the meritorious passed students of Dacca Agricultural School and partly by promotion of senior and efficient Agricultural Demonstrators. The question of application from outside candidates, therefore, does not arise.

(b) No.

(c) There was no suitable Scheduled Castes man available either from the passed students of the Dacca Agricultural School or from the permanent Agricultural Demonstrators for promotion.

Statement referred to in the reply to clause (a) (i) to starred question No. 335, showing the qualifications of the Jute Overseers.

- (1) Babu Prithi Ranjan Bhowmic—Matriculate; passed from the Secondary Agricultural School, Dacca, in the first division.
- (2) Maulvi Momtazuddin Ahmad—Matriculate; stood first in the first division among the successful candidates of the Secondary Agricultural School, Dacca, 1936.
- (3) Babu Pramatha Ranjan Guha—Matriculate; passed from the Secondary Agricultural School, Dacca, in the first division.
- (4) Babu Sukhendu Bikash Dutta—B.Sc.; proved efficient in Crop Census work.
- (5) Babu Kanti Prosad Mukherjee—Passed I.Sc.; passed from the Dacca Agricultural School in the first division.
- (6) Babu Ganga Prosad Mukherjee—Retrenched Overseer in Class II of the Subordinate Agricultural Service.
- (7) Maulvi Md. Ismail Hussain—Retrenched Overseer in Class II of the Subordinate Agricultural Service.
- (8) Babu Saila Ranjan Chanda—Plucked I.Sc.; passed from the Dacca Agricultural School.
- (9) Maulvi Md. Hussain Ali Sarkar—Read up to I.A.; passed from the Dacca Agricultural School in the first division.
- (10) Maulvi Md. Abdul Hakim—Passed Refresher course; promoted from Senior Demonstrators.
- (11) Maulvi Haji Aminuddin Mian—Passed Refresher course; promoted from Senior Demonstrators.

- (12) **Maulvi Monowar Ali**—Passed Refresher course; promoted from Senior Demonstrators.
- (13) **Maulvi Matiur Rahman Khan**—Passed from Secondary Agricultural School; promoted from Demonstrators' Grade.
- (14) **Maulvi Moberak Ali**—Passed Refresher course; promoted from Demonstrators' Grade.
- (15) **Babu Gopesh Chandra Roy Choudhury**—Passed Refresher course; promoted from Demonstrators' Grade.

Mr. MONMOHAN DAS: With reference to answer (c), will the Hon'ble Minister be pleased to state how many candidates from the Scheduled Castes applied for the posts of demonstrator?

The Hon'ble Mr. TAMIZUDDIN KHAN: It appears that no outside applications were called for, and I do not think that those who were already under employment applied at all.

Recruitment to Bengal Excise Service.

*336, **Mr. MD. BARAT ALI:** (a) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether there is a rule regarding recruitment to Provincial Services which came into force in 1930 that no person whose age on promotion exceeds 40 years shall be appointed by promotion to any Provincial Service?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the rule?

(c) Does the rule apply to the Bengal Excise Service?

(d) If the answer to (c) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) whether the rule is being observed in filling up vacancies by promotion; and

(ii) if not, what are the reasons?

(e) Will the Hon'ble Minister be pleased to state—

(i) the number of vacancies in the Bengal Excise Service (Senior) since 1930;

(ii) the number filled up by direct recruitment;

(iii) the number filled up by promotion; and

(iv) what was the age of each officer on the date of such promotion?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT
(the Hon'ble Mr. Prasanna Deb Raikut): (a) Yes.

(b) A copy of the rule is placed on the table.

(c) Yes.

(d) (i) Yes, generally. Exceptions are made only in special cases.

(ii) Does not arise.

(e) (i) 5.

(ii) 3.

(iii) 1.

(iv) About 48 years.

Rule referred to in the reply to clause (b) of starred question No. 336.

THE BENGAL PROVINCIAL SERVICES RECRUITMENT RULES.

V. (2) (b) Subject to the following exceptions no person shall be appointed by promotion to any Provincial Service whose age, on promotion, exceeds 40 years.

Mr. NISHITHA NATH KUNDU: Does the Hon'ble Minister realise that if the rule is not strictly followed, it will affect the officers who are below the age of 40 years?

Mr. SPEAKER: That is a matter of opinion.

Mr. NISHITHA NATH KUNDU: Sir, the rule says that only those persons who are below the age of 40 will be promoted. So if persons above that age are promoted, the cases of those under 40 will not come up for consideration before they are age-barred.

Mr. SPEAKER: That is a question of argument.

Maulvi ABDUL LATIF BISWAS: With reference to answer (b), will the Hon'ble Minister be pleased to state what are the exceptions stated in the rule?

Mr. SPEAKER: I think you can find it out in the book.

Rate of land revenue in Burdwan.

***337. Maulvi ABDUL HAKIM:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state from the last cadastral survey settlement records—

- (a) the names and numbers as recorded, of all the revenue-paying estates or *tauzis* (including *khas nahals*) in the district of Burdwan;
- (b) the average rate of land revenue per acre for arable areas in each such estate or *tauzi*; and
- (c) the average rate of rent of tenants payable for arable areas in each estate or *tauzi*?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) The Collector has furnished a list of over 7,000 *tauzis* which I have in the House with me and which may be seen by any hon'ble member who wishes to do so. I do not think that the expense to Government of printing this list would be justified.

(b) and (c) As land revenue or rent is fixed for an entire estate or tenancy covering arable and all other kinds of land, no figures showing their rates separately for arable areas are available.

Excise shops in Dacca district.

***338. Mr. FAZLUR RAHMAN:** (a) With reference to the statement laid on the table in reply to clause (a) (i) of starred question No. 162 on the 24th August, 1938, is the Hon'ble Minister in charge of the Forest and Excise Department aware that the number of shops of foreign liquors, country spirit, opium, *ganja bhag*, *charas*, toddy and *pachwai* settled with the Mussalmans is small in comparison with their population basis?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons?

(c) Is it a fact that deserving Muslim candidates for all kinds of excise shops are available at the present time?

(d) If the answer to (c) is in the affirmative, what are the reasons for not vending more excise shops with the Mussalmans?

(e) Are the Government considering the desirability of issuing a circular letter to all the officers concerned in the districts for settling shops with the Mussalmans and fixing a percentage according to their population basis?

The Hon'ble Mr. PRAJANNA DEB RAIKUT: (a) Yes.

(b) Muslims in the past have not presented themselves as candidates for excise shops in any considerable number.

(c) The question whether there are deserving Muslim candidates or not is a relative one and is considered when a vacancy occurs.

(d) Does not arise.

(e) No. Experience has shown that Muslims do not want shops associated with liquor or *pachwan*. *Tari* shops are settled by auction. On account of the fixed-fee system very few vacancies occur each year for settlement with new vendors. The applications of Muslim candidates for settlement of shops will receive proper consideration in future.

Maulvi ABDUL LATIF BISWAS: With reference to answer (e), will the Hon'ble Minister be pleased to state the reasons why their applications were not considered before?

Mr. SPEAKER: That question has already been answered.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to consider the desirability of inviting applications from Muslims and maintaining an approved panel of intending licensees?

Mr. SPEAKER: That is a request for action.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether Muslim candidates for licences are increasing day by day?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA CHOSE: With reference to answer (c), will the Hon'ble Minister be pleased to state whether he is going to settle shops according to the basis of the population of the Muhammadan community or on the basis of the people addicted to drinking?

Mr. SPEAKER: That question does not arise.

Monipur Agricultural Farm, Dacca.

***339. Maulvi ABDUL HAKIM:** (a) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(i) the arable area in acres in the Monipur Agricultural Farm at Dacca; and

(ii) the kinds of crops grown in the aforesaid farm during a whole agricultural (financial) year?

(b) Will the Hon'ble Minister be pleased to lay on the table a statement showing, year by year, for the years 1935-36, 1936-37, and 1937-38—

- (i) the gross income from all crops grown in the farm; . . .
 - (ii) the cost of production excluding the expenditure of pay of officers and office establishment;
 - (iii) the area of the farm in which jute was grown?
 - (iv) the quantity of jute produced in this area;
 - (v) the area of the farm in which paddy (both *aman* and *aus*) was grown; and
 - (vi) the quantity of paddy produced in the said area?
- (c) Will the Hon'ble Minister be pleased to state—
- (i) whether manure was used in each year during the years 1935-36, 1936-37 and 1937-38 in the aforesaid farm for the cultivation of both jute and paddy crops;
 - (ii) if so, what sort of manure was used;
 - (iii) what was the cost of manure in each year;
 - (iv) whether sugarcane was grown in the said farm;
 - (v) what was the gross yield and sale-proceeds of the sugarcane in each year;
 - (vi) what was the area of the sugarcane cultivation; and
 - (vii) the cost of production in each of the said years?

(d) What is the nature of the arable land in the aforesaid farm, i.e., whether mainland or *char* (riparian) land?

The Hon'ble Mr. TAMIZUDDIN KHAN: (a) (i) 244.61 acres.

(ii) *Aus* paddy, transplanted *aman* paddy, maize, *joar*, napier grass, guinea grass, jute, sugarcane, tobacco, cowpea, flax, linseed, mustard, *arhar*, cotton, rhea, agava, altissima, English vegetables, cauliflower, cabbage, peas and tomato

(b) A statement is laid on the table.

(c) (i) Manures were used all the 3 years for jute but not for paddy. The latter crop depends for manuring on the residual value of manures applied to jute and other crops in the rotation.

(ii) Farmyard manure, lime, bonemeal and muriate of potash.

			Rs.	a.	p.
(iii)	1935-36	...	400	1	6
	1936-37	...	269	5	9
	1937-38	...	378	8	0

- (iv) Sugarcane was grown for experimental purposes.
 (v) to (vii) A statement is laid on the table.
 (d) Stiff clay soil of lateritic origin typical of Madhupur Garh area.

Statement referred to in the reply to clause (b) to starred question No. 339.

- (i) The gross income from all crops grown in the farm—

			Rs.	a.	p.
1935-36	..	..	16,165	0	3
1936-37	..	..	16,525	9	0
1937-38	..	..	20,113	7	3

- (ii) The cost of production excluding the expenditure of pay of officers and office establishment—

1935-36	..	..	6,490	4	3
1936-37	..	..	9,459	10	0
1937-38	..	..	8,057	9	6

- (iii) The area of the farm in which jute was grown—

			Acres.
1935-36	..	..	8.26
1936-37	..	..	5.60
1937-38	..	..	5.50

- (iv) The quantity of jute produced in this area—

Yield—			Lbs.
1935-36	..	..	6,727
1936-37	..	..	4,875
1937-38	..	..	6,301

- (v) The area of the farm in which paddy (both *aman* and *aus*) was grown—

			<i>Aus.</i>	<i>Aman.</i>
1935-36	..	..	21.19	29.38
1936-37	..	..	40.16	49.81
1937-38	..	..	34.19	44.65

- (vi) The quantity of paddy produced in the said area—

			<i>Aus.</i> Mds. ars.	<i>Aman.</i> Mds. ars.
1935-36	..	..	301 12	237 33
1936-37	..	..	696 26	1,528 5
1937-38	..	..	368 8	870 0

Statement referred to in the reply to clauses (c) (v) to (vii) to starred question No. 339.

(v) The gross yield and sale-proceeds of the sugarcane in each year—

Yield—

1935-36—

Cuttings	..	..	..	140,890	Nos.
Gur	..	..	..	47,909	lbs.

1936-37—

Cuttings	..	..	..	363,350	Nos.
Gur	..	..	..	33,081	lbs.

1937-38—

Cuttings	..	..	..	144,744	Nos.
Gur	..	..	..	51,417	lbs.

Value of above—

				Rs.	a.	p.
1935-36	..	..	..	2,470	2	9
1936-37	..	..	..	2,106	14	3
1937-38	..	..	..	3,202	15	9

(vi) The area of sugarcane cultivation—

				Acres.
1935-36	..	..	..	8.33
1936-37	..	..	..	11.66
1937-38	..	..	..	9.86

(vii) The cost of production in each year—

				Rs.	a.	p.
1935-36	..	..	..	2,957	4	3
1936-37	..	..	..	2,514	1	6
1937-38	..	..	..	3,350	1	9

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how the English vegetables, cauliflowers, cabbage and tomato were consumed, whether there were any sale-proceeds or the European managers consumed them?

Mr. SPEAKER: That question does not arise, and you are at liberty to surmise.

Mr. ABDUL WAHAB KHAN: With reference to the statement in paragraph (v), will the Hon'ble Minister be pleased to state whether Government would encourage this sort of experiment by which the cost of production of a crop is higher than the value of its yield?

The Hon'ble Mr. TAMIZUDDIN KHAN: My friend forgets that this is after all an experiment.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what are the differences and characteristics of rhea, agava and altissima?

Mr. SPEAKER: That question does not arise. . .

Mr. ABDUL WAHAB KHAN: With reference to items (i) and (ii) of the statement, which relate to gross income and cost of production, will the Hon'ble Minister be pleased to state what is the cost of production including the pay of officers and office establishment?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice, Sir.

Sub-Treasury Officers and Treasury Poddars.

***340. Mr. MD. ABUL FAZL:** (a) Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing for the present time the total number of—

- (i) Sub-Treasury Officers (Hindus and Muhammadans separately);
- “ „ and
- (ii) Treasury Poddars (Hindus and Muhammadans separately)?

(b) Are the Government considering the desirability of separating the functions of the Head Clerks of the Subdivisional Officers from those of the Sub-Treasurers of stations like Madaripur?

(c) Are the Government considering the desirability of increasing the pay of Poddars?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (a) (i) 59 consisting at present of 41 Hindu and 18 Muhammadan officers. The proportion is, however, changing constantly with transfer of officers from one station to another.

(ii) 109 Hindus and 9 Muhammadans, besides a hillman.

(b) and (c) No.

Maulvi ABDUL LATIF BISWAS: With reference to answer (a) (ii), will the Hon'ble Minister be pleased to state whether he is prepared to consider the desirability of increasing the number of Muslim Poddars?

The Hon'ble Mr. NALINI RANJAN SARKER: That is not my department, Sir.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state who appoints these Poddars?

The Hon'ble Mr. NALINI RANJAN SARKER: The Collector.

Representation by persons of Bhitarbund Union, Rangpur, for non-acceptance of rents by certain zemindars.

***341. Kazi EMDADUL HAQUE:** (a) Is the Hon'ble Minister in charge of the Revenue Department aware that representations by several persons of Bhitarbund Union in the Kyrrigram subdivision were addressed to the District Magistrate of Rangpur, Divisional Commissioner of Rajshahi and other executive authorities concerned, complaining about the refusal of certain landlords of the locality to accept rents with an interest of one anna and less half an anna per rupee?

(b) If the answer to (a) is in the affirmative, what action, if any, has been taken in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) No.

(b) Does not arise.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to state whether any verbal complaint was made to the officers concerned by the persons who submitted the representations?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Reduction of rents in khas mahals particularly in the Noabad taluks in Chittagong.

***342. Maulvi ABDUL HAKIM:** (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether any reductions were made in the rents payable by tenants in any *khas mahals* in this province especially in the Noabad *taluks* in the district of Chittagong, during the present economic crisis?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether the reductions of any permanent nature, i.e., reductions in the rates of rent annually payable by tenants were made in any *khas mahals* especially in the said Noabad *taluks* in the district of Chittagong?

(c) If such reductions have been made, will the Hon'ble Minister in charge be pleased to state at what percentage the rates of rent were so reduced?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) The rents of certain Noabad *taluks* and holdings of Chittagong fixed during the last revisional settlement operations were reduced in particular cases where they were considered to be too high. There was no reduction elsewhere.

(b) The reductions of rents in the Noabad *taluks* and holdings referred to in (a) above were of a permanent nature.

(c) The reductions were not made on any percentage basis, but in accordance with the merits of each case.

Percentage of Muslims in Bengal Engineering Services.

*343. **Mr. FAZLUR RAHMAN:** (a) Is the Hon'ble Minister in charge of the Communications and Works Department aware that the Muslims bear a low percentage to the total number of officers in the Bengal Engineering Services?

(b) If the answer to (a) is in the affirmative, are the Government considering the desirability of taking steps for the increase of Muslim percentage in those services?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

(a) and (b) Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact, with reference to answer (a), that the low percentage of Muslims there is due to the very low percentage of Muslim passes as science graduates and engineering graduates?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That was one of the reasons.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Government is considering the desirability, with reference to answer (b), of maintaining a proportionate percentage of appointments, as between the different communities in proportion, to the percentage of passes as engineering graduates?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that Government is considering the desirability of importing non-Bengali Muslims from outside the province to raise up the percentage?

Mr. SPEAKER: How does that question arise?

Dr. NALINAKSHA SANYAL: In answer to question (b), which asks whether Government is considering the desirability of taking steps for the increase of Muslim percentage, the Hon'ble Minister said "yes", and I want to know whether it is a fact that Government is considering the desirability of importing—

Mr. SPEAKER: Please put your question in a correct form.

Dr. NALINAKSHA SANYAL: All right, Sir. My question is: what steps Government is contemplating in this connection?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:
To appoint more Muslims.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that Government has fixed any minimum qualification for these technical posts?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:
Yes, Sir; it is already there.

Dr. NALINAKSHA SANYAL: If there is a fixed minimum qualification, will Government be pleased to state how it proposes to increase the number of Muslims when they are not available in the province? (Cries of "Many are available" from the Coalition Benches.)

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:
I think, Sir, matters are improving.

Maulvi ABDUL LATIF BISWAS: Is the Hon'ble Minister aware that there are many Muslim engineers who have passed out of the engineering college and who are out of employment at the present moment?

Mr. SPEAKER: That question does not arise.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether it is a fact that no Muslim engineers, out of those who applied for appointment, have got any appointment? (Babu NAGENDRA NATH SEN: Simply because they are not qualified!)

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am aware that increased number of Muslims are now taking engineering courses nowadays and thereby qualifying themselves for appointment in the engineering department.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether he has been informed by members of this House that there are nine Muslim graduates of the Sibpur Engineering College, who are sitting idle for want of employment?

Mr. SPEAKER: That question does not arise.

Mr. ABDUL WAHAB KHAN: Sir, my question was whether the Hon'ble Minister has been informed—

Mr. SPEAKER: I am sorry I have to tell you that this House is not the place where you can ventilate the grievances of individual candidates in this way. You may ask for information. I hope you realise that the purpose of putting supplementary questions is to elicit information. You could have asked for information generally; that is a different question; but to say "I have got information from another source" and to ask the Hon'ble Minister whether it is within his knowledge as to how many graduates are out of employment is not the correct form of putting a supplementary question.

Mr. ABDUL WAHAB KHAN: I did not say that, Sir.

Mr. ATUL KRISHNA CHOSE: Will the Hon'ble Minister be pleased to give the total number of qualified engineers both amongst Hindus and Muhammadans and the total number of appointments in the respective communities?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I can't give an answer off-hand

Mr. ABDUL WAHAB KHAN: My question is whether the Hon'ble Minister has received the representation that was made?

Mr. SPEAKER: How does that question arise?

Mr. ABDUL WAHAB KHAN: It arises in this way, Sir,—because there is a low percentage of Muslim appointments and there are so many qualified Muslim candidates sitting idle.

Mr. SPEAKER: Mr. Abdul Wahab Khan, I am afraid this is not a party meeting (laughter) in which you can discuss such matters. Question (b) runs thus: “If the answer to (a) is in the affirmative, are the Government considering the desirability of taking steps for the increase...” Now Government says “Yes.” So, how does your question arise out of this?

Mr. ABDUL WAHAB KHAN: Is the Hon'ble Minister in a position to say whether he has got this information?—that was my question.

Mr. SPEAKER: How does that question arise?

Maulvi ABDUL LATIF BISWAS: In view of the answer given by the Hon'ble Minister that the low percentage of Muslim officers in the Engineering Department is due, amongst many, to one of the facts, namely, that there is a dearth of Muslim engineers—with reference to that answer will the Hon'ble Minister be pleased to state whether it is a fact that the nine Muslim B.E.'s represented to him that they were not getting any appointment?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have already stated, Sir, that was one of the reasons at the time when these appointments were made. The position may have altered in the meantime.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether the present Government has done anything to increase the number of Muslim officers in the Engineering Department?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That depends on the number of vacancies which will occur.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that, on account of the dearth of suitable candidates in this province, Mr. Hakim Ali, an engineer of the North-Western Frontier Province, was imported to hold the post of Principal, Asanullah School of Engineering, Dacca?

Mr. SPEAKER: That question does not arise. I hope you will remember that that appointment relates to the Education Department and not to the Communication and Works Department.

Mr. ABDUL WAHAB KHAN: You are suffering from a phobia!

Dr. NALINAKSHA SANYAL: Exorcise us of it.

The Hon'ble Mr. H. S. SUHRAWARDY: 'Forgive him for his ignorance! (Laughter.)

Mr. SPEAKER: Dr. Sanyal and Mr. Abdul Wahab Khan, may I appeal to you both to go and have your talk outside?

Mr. RASIK LAL BISWAS, মন্ত্রী মহাশয় পরাকারে জানাবেন কি percentage এর যতটা হুজুমদাররা demand করেন ততটা পরিশোধ না হওয়া পর্যন্ত তারা অন্য সুপ্রদায় থেকে recruitment বন্ধ কোরে দিবেন কি না?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I don't think that is possible.

Distress of the flood-stricken people of char areas in several unions in Mymensingh.

***344. Mr. FAZLUR RAHMAN (Mymensingh):** (a) Is the Hon'ble Minister in charge of the Revenue Department aware—

(i) that distress amongst the flood-stricken people is still prevailing in the char areas such as southern part of Rowha Union, Betmari Union (whole), Balairchar Union (whole), part of Pakshimari Union, part of Kamarerchar Union, Harindhara of police-station Sherpur and Char Basuralgi Char Madhuanamapara and Dadhiraerchar of Nakhla police-station of Jamalpur subdivision (Mymensingh) and;

(ii) that the cultivators are without seeds for the next harvest?

(b) If the answer to (a) is in the affirmative, are the Government considering the desirability of advancing further agricultural loans to the people of those areas?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: (a) No.

(b) Does not arise.

Mr. SURENDRA NATH BISWAS: With reference to answer "No" in reply to question (a), will the Hon'ble Minister be pleased to state if he means that he is not aware of any distress or of the fact that cultivators are without seeds or that there is no distress and the cultivators are not without seeds?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The reply is "No" to question (a) (i), namely, whether the cultivators are without seeds for the next harvest.

Mr. SURENDRA NATH BISWAS: May I know what is the reply to question (a) (i)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The reply to question (a) (i) is so very obvious that Government did not think it necessary to reply to it separately. The main concern of my honourable friend is with question (a) (ii) and to that my reply is "No".

Mr. SPEAKER: I certainly admire your intelligence but not the draft.

Mr. SURENDRA NATH BISWAS: In view of the admission by the Hon'ble Minister that there is distress, will he be pleased to state if the policy which was enunciated by the Hon'ble Minister himself early in this session, namely, that Government must see that no lands remained unsowed for want of money, still continues?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Certainly.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to enquire whether any lands are going unsowed in the district of Mymensingh, and, if so, whether Government would issue orders to give further agricultural loans?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No fresh enquiry is necessary as Government are in daily touch with the situation.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if the procedure of the Government is to take report from the District Magistrate and distribute agricultural loans accordingly?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is exactly what is done.

Mr. ATUL KRISHNA CHOSE: Will the Hon'ble Minister be pleased to state whether there is any official instruction, public or private, to the District Magistrate not to demand more than such and such amount?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir

Staff of the Official Receiver, High Court, Calcutta.

***345. Mr. MIRZA ABDUL HAFIZ:** (a) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to lay on the table a statement showing separately the present number of Hindu and Muslim clerks appointed as—

- (i) (1) estate clerks and (2) Government staff in the
- (ii) (1) upper grade and (2) lower grade; and
- (iii) (1) temporary, and (2) permanent in the office of the Official Receiver, High Court, Calcutta?

(b) What is the ratio of Hindus and Muslims in (i), (ii) and (iii) above?

(c) When and how many temporary appointments were last made?

(d) Are the Government considering the desirability of appointing more Muslims in future vacancies till the ratio is reached?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (a) and (b) A statement is laid on the table.

(c) Seven temporary appointments were made in January, 1939.

(d) The office of the Official Receiver has hitherto been under the High Court; it is about to be taken over by Government, and the question of fixing a communal ratio for appointments will be considered.

Statement referred to in the reply to clauses (a) and (b) to starred question No. 345.

	Hindus.	Muslims.	Ratio.
(i) (1) Estate clerks	.. 33	7	4·7:1
(2) Government staff	.. 16	8 (+1 in leave vacancy).	2:1
(ii) (1) Upper grade	.. 2	1 (+1 in leave vacancy).	2:1
(2) Lower grade	.. 14	7	2:1
(iii) (1) Temporary	.. 6	7 (+1 in leave vacancy).	6:8
(2) Permanent	.. 10	1	10:1

Mr. MIRZA ABDUL HAFIZ: With reference to (a) (iii) (2), will the Hon'ble Minister be pleased to state if the attention of Government has been drawn to the fact that Muslims represent only 9 per cent. of the permanent establishment in the High Court?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The statement is clear on the point.

Election of members on the Sukhari Union Board, Netrokona, Mymensingh.

***346. Mr. GIASUDDIN AHMAD:** (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact—

(i) that the election of members for the Sukhari Union Board in the subdivision of Netrokona of the Mymensingh district took place in November, 1937; and

(ii) that the names of the persons elected and nominated, if any, have not yet been published in the *Calcutta Gazette*?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

MINISTER in charge of the LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Mabibullah Bahadur, of Dacca): (a) (i) Yes

(ii) and (b) The names of the elected and appointed members have been published in the *Calcutta Gazette* of the 30th March, 1939. It appears that the Subdivisional Officer of Netrokona made an unusual delay in submitting to the District Magistrate his proposals regarding the members to be appointed on the Union Board.

Calcutta Corporation Electricity generating scheme.

***347. Mr. JATINDRA NATH CHAKRAVARTI:** (a) With reference to starred question No. 301 replied at the Assembly on the 28th September, 1937, will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that a Conference of the Technical Advisers of the Government and the Corporation was held to arrive at a final decision in regard to this matter as proposed by the Hon'ble Minister in November, 1937?

(b) If so, what was the result of the Conference?

(c) If no decision has been arrived at, what are the reasons?

(d) Has the Electrical Adviser been by this time supplied with all the required data wanted by him from the Calcutta Corporation?

(e) If any data has not yet been supplied, will the Hon'ble Minister be pleased to state what are those?

(f) Is the Hon'ble Minister aware of the annual loss of rupees six lakhs incurred by the Calcutta Corporation since 1933 as shown in Dr. Dey's scheme?

(g) If the answer to (f) is in the affirmative, are the Government considering the desirability of stopping it as soon as possible?

(h) Has the question of Drainage Outfall of the city been finally decided and work taken in hand?

(i) If the answer to (h) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for the delay in granting the sanction of the Electric Scheme?

(j) Is it a fact that the Secretary to the Local Self-Government Department met Dr. Dey and discussed the feasibility of the scheme in all details?

(k) If the answer to (j) is in the affirmative, what is the reason for not according the Government sanction?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
(a) The Conference was held in October, 1937.

(b) It was decided at the Conference that the Superintending Engineer, Electrical Circle, Communication and Works Department, and the Electrical Adviser to Government would give their opinion regarding the technical as well as the financial aspects of the scheme on the basis of such materials as had been furnished by the Corporation, so as to enable Government to come to a decision in the matter.

(c) In their report, the technical advisers of Government pointed out that the scheme, as submitted by the Corporation, was only general in nature and that, in the absence of details, it was not possible to examine the scheme with that thoroughness and attention to detail as would be necessary if it were intended to proceed with the scheme. They, however, conducted their investigations on the basis of such information as had been furnished by the Corporation and came to the conclusion that from an engineering and economic point of view they could not advise Government to approve the scheme.

(d) and (e) The Electrical Adviser states that he has not been furnished with all the details which were asked for in the Government letter No. 5030M., dated the 14th December, 1931, to the Calcutta Corporation.

(f) and (g) The member is referred to the reply given to clauses (a) (ii) and (vi) of his question (No. 301) on this subject mentioned in clause (a) of the present question.

(h) Yes.

(i) The reasons for the delay are stated in my answer to clauses (c), (d) and (e) of the question.

(j) and (k) On the 6th February, 1935, the Secretary to the Government of Bengal, Local Self-Government Department, held an informal conference with Dr. Dey and the Electrical Adviser to Government at which it was agreed that Dr. Dey would supply the Electrical Adviser

with all the particulars that the latter considered necessary for a proper examination of the scheme. Dr. Dey had a further interview with the Secretary, Local Self-Government Department, in connection with this scheme on the 14th July, 1937, and made certain suggestions which were discussed at the Conference referred to in clause (a) of the question.

Mr. SYED JALALUDDIN HASHEMY: With reference to (j) and (k), will the Hon'ble Minister be pleased to state what suggestions Dr. Dey made to the Secretary, Local Self-Government Department?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
I ask for notice.

Mr. SANTOSH KUMAR BASU: With reference to answer (c), will the Hon'ble Minister be pleased to state whether the report submitted by the two technical advisers of Government was forwarded to the Corporation for their consideration and opinion?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
No.

Mr. SANTOSH KUMAR BASU: With reference to answer (c), in view of the fact that these two technical advisers did not approve of the scheme from the economic point of view, does the Hon'ble Minister consider it necessary that further materials should be called for from the Corporation?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
They held discussions on this matter and it is now under the consideration of the Government.

Mr. SANTOSH KUMAR BASU: My question was whether the Hon'ble Minister consider it necessary that further information should be asked for from the Corporation on the report submitted by these two technical advisers that the scheme should not be approved?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
I have already said that the matter is under the consideration of Government.

Mr. SANTOSH KUMAR BASU: My specific question is whether a fresh opportunity would be given to the Corporation to have their say on the report submitted by the two technical advisers of Government?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
Yes.

**Ratio of posts held by various communities in the Appellate Side,
High Court.**

348. Mr. ABDUL HAKĒEM: (a) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state the number existing at present of the Muslim and Scheduled Castes salaried and extra typists in the High Court on the Appellate Side as compared with other communities?

(b) What has been the basis for such appointments?

(c) What steps, if any, do the Government propose to take for the appointment of more Muslims in those services?

The Hon'ble Nawab MUSHARRUFF HOSAIN, Khan Bahadur:

a) By the courtesy of the Hon'ble Chief Justice I am able to state as follows:—

Total number of salaried typists	...	5
Number of Muslims	..	Nil.
Number of Scheduled Castes members	...	Nil.
Total number of extra typists	...	37
Number of Muslims	...	5
Number of Scheduled Castes members	...	Nil.

(b) Recruitment to posts of extra typists is by open competition in typewriting among persons who are at least matriculates and due regard is paid to communal representation.

Most of the existing men, however, were recruited long ago when there were no tests and when the principle of communal representation had not been introduced. Recruitment to posts of salaried typists is ordinarily by promotion from extra typists regard being had to seniority and efficiency.

(c) These appointments are in the hands of the Hon'ble Chief Justice under the provisions of section 242, of the Government of India Act, and he has fixed the percentage at 45 per cent. for the Muslims in these posts, for future recruitments.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state if he is aware that a good number of matriculate typists are available from the Scheduled Castes and if appointments have been made on population or communal basis, why no member from the Scheduled Castes has been recruited?

Mr. SPEAKER: I am afraid, this question does not arise, because the original question asks for information on statistical points. The administrative control is in the hands of the Hon'ble Chief Justice, and, as such, why a particular thing is done or not done is a matter which cannot be the subject-matter of this question.

Mr. RASIK LAL BISWAS, এখানে আছে Total number of extra typists 37, এবং number of Muslims. উ মন্ত্রী মহাশয় দয়া করে জানান কি এই সংখ্যার মধ্যে পুরুষ কয়টি ও স্ত্রীলোক কয়টি?

Mr. SPEAKER: That question does not arise.

Expenditure on account of midwives and nurses in towns of Bengal,

***349. Mr. ADWAITA KUMAR MAJI:** Will the Hon'ble Minister in charge of the Public Health Department be pleased to state what sum of money is spent by the Government and the Municipality separately every year for maintaining midwives and nurses in the town area of Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: Expenditure incurred by Government in 1937 was Rs. 4,92,398.

Approximately a sum of Rs. 60,000 is spent every year by the Municipalities (excluding Calcutta).

The Corporation of Calcutta spends approximately a sum of rupees two lakhs every year for Maternity and Child Welfare Work in the city which includes maintenance of nurses and midwives. Separate figures for nurses and midwives are not available.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what amount out of Rs. 4,92,398 spent on midwives and nurses is spent for giving stipends to apprentice nurses?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government are considering the desirability of increasing the expenditure for apprentice nurses, so that Indian women may be encouraged to take up nursing as their means of livelihood?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir.

Promotion of Scheduled Castes officers of Education Department.

***350. Mr. DHANANJOY ROY:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(i) whether there has been any promotion of Scheduled Castes officers with the posts now held by them in the Education Department; and

(ii) whether there is any Scheduled Castes officer in the Bengal Educational Service or in the Subdivisional Inspectors' grade of the Subordinate Educational Service?

(b) If there is none, will the Hon'ble Minister be pleased to consider the desirability of appointing Scheduled Castes officer in the Bengal Educational Service either by promotion from those already serving in the subordinate service or by new recruitment?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (a) (i) No.

(ii) There is one Scheduled Castes officer in the Bengal Educational Service but none in the Subdivisional Inspectors' grade.

(b) The claims of Scheduled Castes candidates possessing requisite qualifications to appointments of all grades will be carefully considered when vacancies occur.

Bench and Court in Madhabpur Union Board, Tippera.

***351. Mr. ASIMUDDIN AHMED:** (a) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether it is a fact that a petition has been submitted by the people of No. I Madhabpur Union Board, police-station Burichang in the district of Tippera, to the District Magistrate on the 12th February, 1939, to the effect that Bench and Court are not necessary in the said Union Board?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to make an enquiry into the matter before the said Board is invested with Bench and Court powers?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur:

(a) No such petition has been received by the District Magistrate, Tippera.

(b) Does not arise.

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QUESTIONS.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether the people of the Madhabpur Union submitted another petition through the local M.L.A.?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur:
I am not aware of it.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state if he is aware that after submitting a petition when the people approached the District Magistrate he said that he had received such a petition and was considering it?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur:
I am not aware of any such petition.

Malda District Board Election.

***352. Mr. ATUL CHANDRA KUMAR:** (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state when the next election of the Malda District Board will take place?

(b) Whether the delimitations of constituencies passed by the District Board have been approved?

(c) Whether vote will be by ballot or open?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
(a) Shortly before the expiry of the term of office of the members of the present Board on the 1st September, 1940.

(b) No. The proposals have not yet been submitted to Government.

(c) The voting will be by ballot.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Major repair works for roads and buildings in Calcutta Division.

132. Mr. ABDUR RASCHID MAHMOOD: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the table a statement showing for the years 1937-38 and 1938-39—

(i) all major repair works for roads and buildings in the three Calcutta Divisions; the tenders for which were accepted at some percentage less than the estimated amount; and

(ii) the works executed during the said two financial years showing—

- (1) the estimated amount for the works,
- (2) the names of the contractors,
- (3) less percentage at which the repair works were given,
- (4) total expenditure incurred on the works,
- (5) the amount, if any, saved by Government due to the work being given at a less percentage, and
- (6) number of supplementary tenders, if any, accepted for the works?

(b) Were any supplementary tenders accepted at a percentage less than the estimated amount?

(c) Will the Hon'ble Minister be pleased to state the reason for the supplementary tenders?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

(a) and (b) The information desired by the hon'ble member cannot be supplied without the engagement of additional staff, expenditure on which I cannot recommend to this House.

(c) A supplementary tender is necessary when work has to be done which was not foreseen when the main tender was accepted.

Flood in the northern part of Bakarganj.

133. Srijut NARENDRA NATH DAS GUPTA: (a) Is the Hon'ble Minister in charge of the Revenue Department aware—

(i) that owing to flood in September and October last, the northern part of Bakarganj is in distress; and

(ii) that the Nazirpur thana in the Pirojpur subdivision was one of the affected areas?

— (b) If so, will the Hon'ble Minister be pleased to state what steps, if any, have the Government taken to alleviate the sufferings of the people of Nazirpur thana in the shape of—

- (i) gratuitous relief;
- (ii) test relief work; and
- (iii) agricultural loan?

(c) Is the Hon'ble Minister aware—

(i) that almost all the rivers of the Pirojpur subdivision have silted up; and

(ii) that floods in that area are of annual occurrence?

(d) If the answer to (c) is in the affirmative, do the Government propose to take steps for preventing recurrence of flood in that area?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Yes.

(b) The following amounts have been distributed:—

(i) gratuitous relief Rs. 1,250;

(ii) test works Rs. 1,500; and

(iii) agricultural loan Rs. 11,700.

(c) (i) Four *khangs* out of many in Pirojpur subdivision are reported to be in a silted up condition.

(ii) A local small area of 10 square miles is affected by floods due to the silted up condition of drainage *khangs*.

(d) A scheme is under investigation.

SJ. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether the gratuitous relief of Rs. 1,250 was paid out of the Government fund or from the Sanitary Improvement Fund?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: From Government fund.

SJ. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to let us know whether the money was spent from the Government Fund or from a fund raised by a local relief committee under the leadership of the Subdivisional Officer?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe the money was spent from the Government Fund.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state the place or places where the test work was done?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Differential treatment to clerks with regard to casual leave in Secretariat and attached offices.

134. Maulvi MD. MOZAMMEL HUQ: (a) Is the Hon'ble Minister in charge of the Finance Department aware that casual leave is granted to Government servants—

- (i) in the Secretariat proper for 15 days; and
- (ii) in the offices of the heads of departments and attached offices for 10 days?

(b) If the answer to (a) is in the affirmative, what are the reasons for the differential treatment?

The Hon'ble Mr. NALINI RANJAN SARKER: (a) Yes, under orders passed in 1910, prior to which as many as 20 days' casual leave was allowed in the Secretariat.

(b) Because it was held that ministerial officers in the Secretariat were required, as a class, to attend office on gazetted holidays much more than other ministerial officers, and because 15 days was allowed in the Government of India Secretariat.

Bus fares in certain Mufassal areas.

135. Babu MADHUSUDAN SARKAR: (a) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state in a tabular form the lengths of—

- (i) Pabna-Ishurdi tarmacadamised road;
- (ii) Nator-Rajshahi;
- (iii) Chuadanga-Meherpur District Board Road;
- (iv) Hili-Balurghat;
- (v) Majdia-Khalispur; and
- (vi) Chuadanga-Jhenidah District Board roads and the bus fares of all these roads both for classes, I, II and III?

(b) Will the Hon'ble Minister be pleased to state the rates of freight of different goods charged in the Pabna and Balurghat out-agency by motor services?

(c) Whether it is a fact—

- (i) that the Pabna-Ishurdi Road is at present in an improved condition; and
- (ii) that consumption of mobil oil and petrol by the motor vehicles and their wear and tear are now less?

(d) If the answers to (c) are in the affirmative, what steps do the Government propose to take for the reduction of passenger fares and freights on goods charged by the proprietors of motor vehicles plying on the Pabna-Ishurdi Road?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) A statement is laid on the table.

(b) The freight charged on goods in Balurghat out-agency is two annas per maund on all goods except furniture which is four annas per maund.

Two lists showing the freights charged on different goods in the Pabna out-agency are laid on the table.

(c) (i) Yes.

(ii) Slightly.

(d) Freights on goods are fixed by the Railway administration. Reduction would make the fares uneconomic and would lead to inefficient service.

Statement referred to in the reply to clause (a) to unstarred question No. 135.

Roads.	Length.	Bus fares.		
		1st class.	2nd class.	3rd class.
	Miles.	Rs. a.	Rs. a.	Rs. a.
(i) Pabna-Ishurdi Tarmacadamised Road.	17½	0 12	0 8	Nil
(ii) Nator-Rajshahi Road ..	28	1 0	0 12	0 10
(iii) Chuadanga-Meherpur District Board Road.	18	As. 12 per single journey and Re. 1-4 for return journey for all the classes		
(iv) Hili-Balurghat Road ..	16	0 11	0 10	0 8
		1 4	1 3	0 14
				for single journey.
				for return journey.
(v) Majdia-Khalispur Road	15	0 11-3	0 9-6	0 7-6
(vi) Chuadanga-Jhenidah District Board Road.	22	0 10 for all the classes.		

Statement referred to in the reply to clause (b) to unstarred question No. 135 showing the freight charged on goods from Pabna to Ishurdi and vice versa.

List of commodities.		Per maund.
		As. p.
1. Salt	.. ..	2 0
2. Grain, pulses, seeds common and turmeric	.. ..	2 0
3. Piecegoods, twist and yarn cotton	.. ..	2 6 above 120 maunds.
4. Canister tin sheets	.. ..	2 6
5. Diesel oil	.. ..	2 6
6. Coconut oil	.. ..	3 0
7. Coir rope, string or yarn	.. ..	3 0
8. Paper and pulp board	.. ..	3 0
9. Empty cask	.. ..	3 0
10. Cement	.. ..	3 0
11. Soda ash	.. ..	3 0
12. Iron and steel division "B"	.. ..	3 0

List of commodities.		Per maund.
		As. p.
13. Flour	.. ..	3 0
14. Coal-tar	.. ..	3 0
15. Bleaching powder	.. ..	3 0
16. Stationery and oilmen stores	.. ..	4 0
17. Jute	.. ..	1 10
18. Other miscellaneous goods	.. ..	4 0

Statement referred to in the reply to clause (b) to unstarred question No. 135 showing the combined freights charged on different classes of goods from Calcutta to Pabna out-agency via Ishurdi and vice versa.

List of commodities.

Freight per maund
from Calcutta (Sealdah, Nimtola, Cossipore Road, Chitpur-Ultadanga, Kidderpore Dock) Budge-Budge and Chapai-Nawabganj to Pabna out-agency via Ishurdi.

	Rs.	a.	p.
1. Piecegoods, cloth, yarn and cut pieces of cloth, etc.	0	9	0
2. Betelnut	0	8	6
3. Salt (on exceeding 120 maunds from Chitpur Ghat to Pabna out-agency).	0	4	0
4. Coir-rope, thick rope, etc.	0	6	6
5. Match-boxes	0	12	6
6. Paste board	0	7	0
7. Paper	0	7	0*
8. Diesel oil (Budge-Budge to Pabna out-agency)	0	5	6
9. Empty drums of Diesel oil (Pabna to Budge-Budge and Calcutta).	0	6	3
10. Cement (Calcutta to Pabna out-agency)	0	6	2
11. Soda (Calcutta to Pabna out-agency)	0	5	2
12. Hardware, e.g., joists, tees, nails, pans, iron nets, etc. (Calcutta to Pabna out-agency).	0	7	0
13. Flour (Calcutta to Pabna out-agency)	0	6	8
14. Coal-tar (Calcutta to Pabna out-agency)	0	6	8
15. Stationery articles (Calcutta to Pabna out-agency)	0	11	3
16. Scented oil and toilet goods (oilman stores) (Calcutta to Pabna out-agency).	0	11	3
17. Rice (from Chapai-Nawabganj to Pabna out-agency on exceeding 300 maunds).	0	3	3
18. Jute—			
Drum 1 maund	0	7	11
1½ maund bale	0	10	0
3½ maund bale	1	7	5

Gambling within Pakundia police-station, Mymensingh.

136. Maulvi MD. ISRAIL: (a) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(i) that gambling has been going on at Pakundia and Mathkhola bazars (police-station Pakundia, Mymensingh) for a long time; and

(ii) that representations (by the local M.L.As. and others) were made to the proper authorities to stop the gambling in the said area?

(b) If the answer to (a) (ii) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken on the matter?

(c) Is it a fact—

(i) that since then gambling has been extended to Kaliachapra, Kodalia and Hossaindi bazars; and

(ii) that gambling goes on at Pakundia in a place 300 yards off from the Pakundia police-station office and at about 300 yards away from the police outpost in the Mathkhola bazar?

(d) Will the Hon'ble Minister be pleased to state whether the Bengal Public Gambling Act of 1867 is in force in the said area? If not, why not?

(e) Do the Government contemplate extension of this Act throughout the area?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) (i) No.

(ii) A representation was made by Maulvi Muhammad Israil, M.L.A.

(b) and (c) An enquiry was made with regard to gambling at Kodalia, Kaliachapra, Hossaindi, Pakundia and Mathkhola. As a result of the enquiry it appears that at Kodalia there was previously gambling but none at present. At Kaliachapra gambling was detected but steps to prevent it have been taken. At Hossaindi there was previously gambling but it is now stopped, as is also the case at Pakundia. At Mathkhola there was gambling a year ago but none at present.

(d) The Gambling Act is in force at Mathkhola, Pakundia and Kaliachapra.

(e) The question of extension is under consideration.

Leper beggars in Calcutta.

137. Mr. ABUL HOSSAIN AHMED: (a) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that there is an influx of leper beggars from outside into the city of Calcutta?

(b) If the answer to (a) is in the affirmative what steps, if any, have the Government taken or do they intend taking to prevent infection?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:

(a) Yes.

(b) In 1936, the Rotary Club of Calcutta approached Government with a scheme for dealing with the problem of beggars, including leper beggars, in Calcutta in all its aspects and the matter was referred to the Corporation of Calcutta for their opinion. The views of the Corporation have been received and the matter is under the consideration of Government.

Post of Director of Land Records.

138. Maulvi MD. ABDUS SHAHEED: (a) Is the Hon'ble Minister in charge of the Revenue Department aware that the District Revisional Settlements have been stopped?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons—

(i) for maintaining the posts of Director of Land Records and his staff; and

(ii) for appointing a whole-time Land Revenue Settlement Officer?

(c) Is the Hon'ble Minister aware that alluvion and deluvion enquiries are now annually made by the Collectors and abatements of rents are allowed?

(d) Are the Government considering the desirability of amalgamating the post of Land Revenue Settlement Officer with that of Director of Land Records?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: (a) Government have still under consideration the question of taking up Revisional Settlements on the completion of the major settlement programme which is now in sight.

(b) Does not arise.

(c) Yes, but only in estates under direct management of Government.

(d) Not yet, but the suggestion will receive due consideration at the appropriate time.

Riot in Cossipore during "Holi festival".

139. Sri Jut NARENDRA NATH DAS GUPTA: (a) Is the Hon'ble Minister in charge of the Home Department aware—

- (i) that when the Hindus were performing the "Chanchar" ceremony of the *holi* festival just near the junction of the Cossipore Road and Gun Foundry Road at 12 p.m. on Sunday night, 5th March, 1939, under the protection of the police they were suddenly attacked by Muhammadans with brickbats from a mosque close by which wounded many Hindus as well as many policemen including the Assistant Commissioner of Police;
- (ii) that this action on the part of Muhammadan hooligans caused breach of peace and riot in that quarter;
- (iii) that Hindus secured police licence and police help apprehending trouble;
- (iv) that in spite of the riot and interference with the religious rites of the Hindus no search was made inside the mosque;
- (v) that a large number of Muhammadans were collected; but
- (vi) that practically no arrest of these offenders has been made?

(b) Will the Hon'ble Minister be pleased to state the number of arrests made in this connection of (1) Hindus and (2) Muhammadans?

The Hon'ble Khwaja Sir NAZIMUDDIN: In the public interest I do not consider it advisable to reply at this juncture to the questions asked by the hon'ble member. If the hon'ble member desires to ask his question at a later date I should be happy to supply the information. In connection with these questions I would like to point out that the local Hindus and Muhammadans are entirely satisfied with the police and have no grievance against them. There was a meeting of the elected representatives of the Hindus and Muhammadans of the Chitpore and Cossipore area for the settlement of communal disputes on the afternoon of the 21st. A settlement was reached and at the termination of the meeting both parties unanimously expressed their thanks to the police for ably handling a very difficult situation to the satisfaction of all. Jaynarayan Singh, a leader of the Hindu group, also proposed that there should be a general meeting of the Hindus and Muhammadans in order to express their congratulations and thanks to the local police for their commendable work.

Greatest credit is due to the Commissioner of Police and to all ranks of the Calcutta Police for the manner in which they localised the trouble that occurred in the Cossipore and Chitpore area and succeeded in preventing it spreading throughout Calcutta.

SJ. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that the Hindus were coerced to a compromise by Muzaffar Hossain of Chitpur thana, by his indiscriminate arrest of the Hindus of the locality and secondly by assaulting the Hindus in that locality specially in Taranath Dutt Street and thirdly also by threatening the arrest of Jai Narain Singh, one of the local influential Hindus?

The Hon'ble Khwaja Sir NAZIMUDDIN: The answers are there and these suggestions are most improper.

SJ. NARENDRA NATH DAS GUPTA: Does the Hon'ble Minister think that the action of the Police Officer there was very proper?

Mr. SPEAKER: That is a matter of opinion.

Mr. SANTOSH KUMAR BASU: If this is a question of opinion, the Hon'ble Minister's reply, viz., the questions are most improper, is also a matter of opinion. Whether the questions are improper it is not for the Hon'ble Minister to say. If the Home Minister thinks that these questions are improper, he should draw the attention of the Speaker and not arrogate to himself the function of the Speaker.

Mr. SPEAKER: Mr. Basu, being an acute lawyer, should know the difference between the expressions "the questions are improper" and "the suggestions are improper".

Mr. ATUL KRISHNA CHOSE: Will the Hon'ble Minister be pleased to state if the issues that have been raised will be thoroughly enquired into and the Hon'ble Minister will supply us definite information regarding the charges whether they are proper or improper?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said I am ready to answer all questions at a later stage if they like

Conciliation officers for labour disputes in Bengal.

140. Mr. A. M. A. ZAMAN: (a) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether there are any conciliation officers in Bengal to settle labour disputes between the employers and employees?

(b) If so, what are their functions?

(c) How many labour disputes have they settled in 1938?

(d) What was the number of labour disputes in Bengal in 1938?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Yes: the Labour Commissioner and the Assistant Labour Commissioner were appointed conciliation officers within the Province in July 1938.

(b) They are to mediate in or promote the settlement of trade disputes.

(c) Since their appointment they intervened to promote a settlement in 14 cases involving stoppage of work and they were successful in 7 of them. The Labour Office also disposed of 153 cases of minor disputes brought to our notice not involving stoppage of work. In 42 of these cases the result was successful, another 42 cases were excluded, 17 transferred to other departments and in the remaining 52 cases the result was not in favour of the workers. The conciliation officers kept themselves in touch with all disputes, and intervened whenever found possible.

(d) There were in all 158 disputes involving stoppage of work during 1938, besides the 153 cases mentioned of minor disputes not involving stoppage of work during the period April to December, 1938.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to give us the names of the seven cases where intervention was successful?

The Hon'ble Mr. H. S. SUHRAWARDY: I want notice.

Recommendations of the Chairmen, District Boards' Conference, 1938.

141. Khan Bahadur MOHAMMED ALI: (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the Library table a copy of the proceedings of the Conference of the Chairmen, District Boards, held in November, 1938?

(b) Have any of the recommendations of the said conference been given effect to?

(c) If the answer to (b) is in the negative, or partly in the negative, will the Hon'ble Minister be pleased to state which of those recommendations have not yet been accepted, giving reasons thereof?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The detailed proceedings of the conference which are of a lengthy character have not yet been printed. A statement giving a summary of the recommendations of the conference is placed on the Library table. The recommendations are receiving the consideration of Government in the various departments.

Khan Bahadur MOHAMMED ALI: It appears from the statement laid on the library table that one of the recommendations of the Conference was to have a Selection Committee consisting of the

District Magistrate, the Chairman of the District Board and the District Engineer. Will the Hon'ble Minister be pleased to state why effect to this recommendation was not given?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
We have not considered the whole report as yet.

Office of Muhammadan Marriage Registrar at Tajgaon, Dacca.

142. Mr. TARINI CHARAN PRAMANIK: (a) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state if it is a fact that the Office of the Muhammadan Marriage Registrar of Tajgaon within Sadar subdivision of Dacca, was opened at Demra about 10 miles away from the said police-station and about 20 miles away from the western extremity of the jurisdiction of the said police-station and 75 per cent. of persons have to pass through Dacca city to go to the Muhammadan Marriage Registrar's Office at Demra?

(b) If the answer to (a) is in the affirmative, do the Government propose to remove the inconvenience of the people of Tajgaon?

The Hon'ble Mr. A. K. FAZLUL HUQ: On the representation of the people of police-station Tajgaon, which was included within the jurisdiction of the Muhammadan Registrar of Jaydebpur till the end of last year, a separate Marriage Registration Office with headquarters at Demra, as wanted by the people of the thickly-populated area of that police-station supported by the recommendation of the Inspector of Registration Offices and the District Registrar, was opened in January, 1939. More than three-fourths of the area of police-station Tajgaon lying to the north is covered by jungle and is not habitable. Demra is the centre of a thickly-populated area. The figures of registration of marriages and divorces of this thana during the years 1936 and 1937 were 93 and 180 respectively. The Inspector-General of Registration has been requested to consider in consultation with the District Registrar, the advisability of the Marriage Registrar holding office at a convenient place in the south-western part of the area on specific days each week to afford greater facilities to the people of that locality.

Dacca-Aricha Road.

143. Mr. DHANANJOY ROY (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the Government have come to a decision about the Dacca-Aricha Road?

(b) If so, what is the decision?

(c) If the decision is for the construction of the road, when do the Government propose to undertake it?

(d) If the decision is against the construction, will the Hon'ble Minister be pleased to state the reasons for the same?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It has been decided to ascertain the views of the Provincial Board of Communications and if they advise accordingly to move the Government of India to sanction the execution of the project at the cost of the Road Development Fund.

Mr. DHANANJOY ROY: Will the Hon'ble Minister be pleased to state how long it will take to ascertain the views of the Provincial Board of Communication?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think it will be placed before the Board in the next month.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the matter was referred to the Provincial Board of Communication at a previous meeting and a portion of the road has already been approved of?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I believe the matter was discussed at a meeting of the Board.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the Special Officer has recommended the construction of 4,500 miles of road and has given a 150 years' plan for that?

Mr. SPEAKER: That question does not arise.

Road construction projects taken up in Mymensingh.

144. Mr. BIRENDRA KISHORE ROY CHOUDHURY: (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the table a statement showing—

- (i) what projects of road construction approved by the Provincial Board of Communications since the inception of the said Board were taken up by the Government in the district of Mymensingh; and
- (ii) what progress, if any, has been made in each instance during each of the last two years?

(b) Will the Hon'ble Minister be pleased to state whether the full amount of Rs. 1,74,000 as contemplated under the scheme in regard to Tangail-Mymensingh Road (second 5 years' programme) was spent in 1938?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

(a) (i) The Tangail-Mymensingh Road.

The scheme has been taken up in parts. The first was the construction of bridges between Mymensingh and Kalihati which work was completed in 1936-37 at a cost of Rs. 3,62,000. The second portion was on bridge construction between Kalihati and Tangail, and the third step was the improvement of the road surface between Muktagacha and Tangail.

(ii) The construction of bridges on the section between Kalihati and Tangail was started in 1938-39, and the work is in progress. Likewise the portion of the scheme for improving the road surface was started from Muktagacha and continued towards Gahtali. This work is also in progress.

(b) The expenditure in the year 1938-39 on the two works mentioned under (a) (i) above is expected to be just over Rs. 2 lakhs.

Shifting of court of Commissioner, Workmen's Compensation.

145. Mr. SIBNATH BANERJEE: (a) Will the Hon'ble Minister in charge of the Labour Department be pleased to state whether Government contemplate shifting the court of the Commissioner, Workmen's Compensation, from its present site to certain rooms on the second floor of the Mitter's Building on Lyon's Range?

(b) If the answer to (a) is in the affirmative, have the Government considered the question of inconvenience to the injured workers having recourse to the said court before coming to their decision?

(c) Will the Hon'ble Minister be pleased to state—

(i) the purpose for which the Government intend to utilise the rooms when vacated by the court; and

(ii) the arrangements made for the accommodation of privy, urinal and tiffin for the workers for compensation and wages cases?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Yes, the court was removed to the building in question on the 22nd March 1939.

(b) Yes.

(c) (i) Owing to the expansion of the departments and offices housed in the Writers' Buildings, Government appointed an Accommodation Committee. The court was removed to its present location in pursuance of the Committee's recommendation.

(ii) I understand that complaints have been made that the court has no privy in Indian style and that the accommodation provided for the public is not sufficient. The matter is receiving my attention.

Mr. SIBNATH BANERJEE: Is that Hon'ble Minister aware that in one case as many as 138 applicants appeared before the Court to-day?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of it.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if he is aware that in another case against the East Indian Railway, 150 applicants appeared before the Court to-day?

The Hon'ble Mr. H. S. SUHRAWARDY: No; I am not aware of it.

Mr. SIBNATH BANERJEE: Is the Hon'ble Minister aware that one Abdur Rahman and another Mansur who came there in connection with a case fainted on account of insufficiency of accommodation and had to be given first aid to-day?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of it. To-day?

Mr. SIBNATH BANERJEE: Yes.

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of it.

Mr. RASIK LAL BISWAS, শিবনাথ বাবু যে সমস্ত বিষয় জানিয়েছেন মাননীয় মন্ত্রী মহাশয় কি দয়া কোরে সেই সকল বিষয় সম্বন্ধে enquiry কোরবেন?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, if you like.

Mr. SIBNATH BANERJEE: The Hon'ble Minister has not understood my question (c) (i), because he has given quite a different answer. The question is, will the Hon'ble Minister be pleased to state the purpose for which Government intend to utilize the rooms when vacated by the court? The court was in the Writers' Buildings. This has been vacated; for what purpose has it been done so?

The Hon'ble Mr. H. S. SUHRAWARDY: It has been vacated owing to the expansion of the various departments and I take it that the accommodation committee will in due course recommend which department will occupy the space so vacated.

Post of Circle Officer for Comilla Sadar Circle.

146. Maulvi MD. HASANUZZAMAN: (a) Is the Hon'ble Minister in charge of the Home Department aware that there is no Circle Officer for the last 14 months in Comilla Sadar Circle in the district of Tippera?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons thereof?

(c) Is the Hon'ble Minister aware that the Circle Officer, Laksham, has been placed in charge of the entire Sadar circle in addition to his own duties?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member is referred to the answer given on the 5th April, 1939, to his previous question, No. 127, on the same subject.

Reduction in the number of traffic police constables from point duty.

147. Khan Bahadur MOHAMMED ALI: (a) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact that on the 5th and 6th March, 1939, almost all the traffic police constables in Calcutta were withdrawn from point duty?

(b) If so, what was the number of accidents on those dates?

(c) If the answer to (b) is in the negative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of reducing the number of traffic constables from point duty as a measure of economy?

(d) If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) They were withdrawn on the 6th not on the 5th.

(b) The number of accidents on the 6th was 31.

(c) No.

(d) No such reduction is possible.

Khan Bahadur MOHAMMED ALI: With reference to answer (b), will the Hon'ble Minister be pleased to state how many of these accidents were due to the absence of constables?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state what, on an average, is the number of street accidents?

The Hon'ble Khwaja Sir NAZIMUDDIN: For this again I ask for notice, but in this case may I point out that the suggestion is one which I did not expect the honourable member to make, lest there should be no traffic constables on duty?

Appointment of Officer-in-charge, Government Industrial Museum.

148. Mr. ABDUL KARIM: (a) Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

- (i) whether it is in the contemplation of Government to appoint an officer as Officer-in-charge, Bengal Government Industrial Museum;
- (ii) if so, what has been fixed as the grade of pay of the post;
- (iii) whether any selection has already been made; and
- (iv) if so, who is the person selected and what educational qualification has he had?

(b) If the answer to (a) (iii) is in the negative, will the Hon'ble Minister be pleased to state whether the post will be advertised?

MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) (i) Yes.

(ii) Pay not exceeding Rs. 300.

(iii) No.

(iv) Does not arise.

(b) It has not yet been decided as to how the post will be filled up. Pending appointment of the Officer-in-charge, the Marketing and Publicity Officer of the Industries Department is carrying on the work in addition to his duties.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that this post of Officer-in-charge of Bengal Government Industrial Museum is not one of those excluded from the purview of the Provincial Public Service Commission?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot say off-hand.

Dr. NALINAKSHA SANYAL: With reference to answer (b), where he says that it has not yet been decided as to how the post will be filled up, will the Hon'ble Minister be pleased to state whether the Government will consider the desirability of consulting the Provincial Public Service Commission in regard to the appointment to this post?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Government do not consider it desirable to consult the Public Service Commission.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state why Government do not consider it desirable to consult the Provincial Public Service Commission?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Government are not prepared to give any reasons.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. It is a matter of serious concern and one of privilege. The Hon'ble Minister can refuse to give an answer only on the ground that it is not in the public interest. If it is his sweet will to appoint whomsoever he likes as he has done in the past, it is a matter for the criticism of this House and I submit, Sir, that it is not within him to say that the Government are not prepared to give any reasons.

Mr. SPEAKER: I think I might say that the only ground on which Government, under any system of parliamentary Government, could decline to give an answer is that it is not in the interests of the public to do so and I hope that the Hon'ble Minister will kindly keep that in regard. After all, this is only a question of nomenclature.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Government feel that the department itself is quite able to appoint this officer without going to the Public Service Commission.

Mr. SPEAKER: There is a certain amount of misapprehension in regard to this point. What Dr. Sanyal wants to know is whether this post is a post which Government are entitled to fill up without going to the Public Service Commission; otherwise all these questions do not arise. The question is whether this post is a post which ought to be filled up by the Public Service Commission or not.

Dr. NALINAKSHA SANYAL: He has already answered that.

Mr. SPEAKER: I am afraid, Nawab Sahib, all your answers are wrong. In answer to (b) you say that it has not yet been decided as to how this post will be filled up and Government cannot now definitely say that they will fill it up themselves.

The Hon'ble Khwaja Sir NAZIMUDDIN: If that is so, then the other questions are also not in order.

Mr. SPEAKER: I think that the Hon'ble Sir Nazimuddin is under a misapprehension. The reason why I allowed them is that even though the question of how a particular appointment is to be filled up may not be decided, a particular post may be filled up temporarily.

The Hon'ble Khwaja Sir NAZIMUDDIN: Temporary appointments do not go to the Public Service Commission. That is obvious and everybody knows it.

Mr. SANTOSH KUMAR BASU: The Hon'ble Minister said "Government are not prepared to give any reasons". That certainly is not obvious.

The Hon'ble Khwaja Sir NAZIMUDDIN: We expect the members to know the procedure.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether he wants to make the appointment temporary only to keep the Public Service Commission out of it?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long the present incumbent, the Marketing and Publicity Officer of the Industries Department, has been holding the post of Officer-in-charge, Government Industrial Museum, and, if it is more than six months, whether it has ceased to be a temporary post in the definition of Government?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister has stated that pending appointment of the Officer-in-charge, the Marketing and Publicity Officer of the Industries Department is carrying on the work. How long has he been doing so? How long has the present incumbent been holding that post?

The Hon'ble Mr. H. S. SUHRAWARDY: He is not holding that post.

Dr. NALINAKSHA SANYAL: How long has he been carrying on that work?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: For about 2 or 3 months.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the officer is given the same salary as that of the Marketing and Publicity Officer or is given any other salary different from that of his substantive post?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
The same salary.

Dr. NALINAKSHA SANYAL: Nothing more?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
No.

Dr. NALINAKSHA SANYAL: He is getting Rs. 100 more.

Anglo-Indian and Muslim women representatives on the Bengal Board of Censors.

149. Miss P. B. BELL-HART: (a) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether Anglo-Indian and Muslim women are represented on the Bengal Board of Censors?

(b) If the answer to (a) is in the negative, will the Hon'ble Minister be pleased to state what are the reasons?

(c) Is the Hon'ble Minister aware that there is a vacancy at present on the Bengal Board of Censors?

(d) If so, is the Hon'ble Minister considering the desirability of filling the same by an Anglo-Indian or Muslim woman?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) No.

(b) There are no special reasons. There are already two women on the Board.

(c) There was a vacancy in the seat reserved for the Bengal Chamber of Commerce, but it has since been filled.

(d) Does not arise.

Percentage of Scheduled Castes in Government offices.

150. Mr. MONOMOHAÑ DAS: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(i) the total number and the names of all the departments under the Government of Bengal; and

- (ii) the total number of the employees serving under the Government in the various departments specifically mentioning the number of the Muhammadans, Caste Hindus and the Scheduled Castes, department by department, and also district by district, separately?

(b) If the number of employees belonging to the Scheduled Castes is not proportionate to their population basis, are the Government considering the desirability of fixing the percentage of the Scheduled Castes in the services of all the departments under the Government of Bengal so as to fill up the quota of service of the Scheduled Castes within five years by appointing candidates from the Scheduled Castes?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) I regret that the information asked for by the honourable member is not readily available and its compilation will entail a degree of labour and expense which I am not prepared to undertake.

(b) The whole question of communal representation in the services is under the consideration of Government.

Mr. MONMOHAN DAS: In reply to question (a) it is said "I regret that the information asked for by the honourable member is not readily available". I submit that I am really in need of the information. What is my remedy?

Mr. SPEAKER: I am also very greatly in need of it, but it does not arise here. (Laughter.)

Appointment of Co-operative Inspectors and Auditors in 1937.

151. Babu PREMHARI BARMA: (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

- (i) the number of Co-operative Inspectors and Auditors appointed since 1937;

- (ii) the number of—

- (1) Muhammadans,
- (2) Caste Hindus, and
- (3) Scheduled Castes Hindus so appointed;

- (iii) the names of the Scheduled Castes Inspectors and Auditors appointed showing the communities and the districts to which they belong to; and

- (iv) whether the appointment of Co-operative Inspectors and Auditors have been made on territorial basis?

(b) If the answer to (a) (iv) is in the affirmative, will the Hon'ble Minister be pleased to state whether the unit for such territorial basis was a district or a division?

(c) If the appointments were not made on territorial basis will the Hon'ble Minister be pleased to state on what basis were they made?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDENTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): The honourable member is referred to the answers given to starred questions Nos. 294 and 308 at the current session of the Assembly.

Abolition of primary girls' schools.

152. Maulvi MAFIZUDDIN AHMED: (a) Is the Hon'ble Minister in charge of the Education Department aware that on the introduction of the free primary schools under the New Scheme in the Province, the primary girls' schools in the villages are going to be abolished?

(b) Are the Government considering the desirability of making separate arrangement for the education of the Muslim girls?

(c) If the answer to (b) is in the affirmative, what steps, if any, do the Government propose taking in this matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) It is not correct to say that the girls' schools will be abolished. On the other hand, these schools may be eligible for grants-in-aid if they satisfy the rules. In areas where the maintenance of separate girls' schools as required by the rules becomes impossible, the Primary Education Committee have suggested co-education up to classes I and II and arrangements for separate teaching of the girls in the higher classes. This recommendation will be duly considered by Government.

(b) The arrangements referred to above will, when given effect to, apply to Muslim girls as well.

(c) Does not arise.

Non-introduction of free primary and adult education in certain districts.

153. Mr. MD. BARAT ALI: (a) Is the Hon'ble Minister in charge of the Education Department aware that free primary and adult education has not yet been introduced in the remaining districts, i.e., Pabna, Bogra, Rajshahi, etc., with taxation even?

(b) If the answer to (a) is in the affirmative, are the Government considering any desirability to do so at an early date?

(c) What are the reasons for the delay?

The Hon'ble Mr. A. K. FAZLUL HQQ: (a) and (b) Yes.

(c) Does not arise.

Silting up of the Amirganj khal.

154. Mr. SURENDRA NATH BISWAS: (a) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

- (i) that a canal popularly known as "Amirganj khal" issued from the Palardi river on the north of Torkey Bander under police-station Gourandi in the district of Bakarganj had been till very recently serving the two districts of Bakarganj and Faridpur both as a major waterway and a drainage;
- (ii) that the mouth of the said "Amirganj khal" has of late become silted up affecting communication and health of the public in an area of about 150 square miles;
- (iii) that the Circle Officer, Mr. S. Chakravarty, of Madaripur, district Faridpur, noted on the 12th December, 1938, in his Inspection Report of the Gopalpur Union Board under police-station Kalkini, district Faridpur, to the effect that owing to the silting up of the mouth of the "Amirganj khal" both communication and drainage in the Unions of Kalkini (police-station Kalkini, district Faridpur), Khanjapur (police-station Gourandi, district Bakarganj) and Gopalpur (police-station Kalkini, district Faridpur) had been seriously affected; and
- (iv) that the said Circle Officer in his said report suggested that the dredging of the mouth of the "Amirganj khal" by the Irrigation Department was the only way by which not only the communication and drainage could be improved but also the ravages of malaria and kala-azar prevailing in the locality could be considerably diminished?

(b) If the answers to (a) are in the affirmative, has the Hon'ble Minister considered the desirability of undertaking as early as possible the dredging of the mouth of the said "Amirganj khal"?

(c) If not, why not?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:

(a) (i) A *khal* known as "Amirganj *khal*" serves only 3 Unions, namely, Gopalpur and Kalkini in Faridpur district and Khanjapur in Bakarganj district.

(ii) The *khal* has recently been silted up, but this has not affected public health in any way. The area served by the *khal* does not exceed 20 square miles.

(iii) Yes. The inspection was made on the 4th December, 1938.

(iv) Yes.

(b) and (c) The Circle Officer has no technical knowledge of drainage or of dredging. I have called for an expression of expert opinion.

Agricultural loan and gratuitous relief in Jessore.

155. Khan Bahadur MAULANA AHMAD ALI ENAYATPURI:

Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing for every thana of the Jessore district and for the period ending 31st January, 1939—

(a) the number of receipts of agricultural loan and gratuitous relief; and

(b) the amount received by way of such loan and relief?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A statement is laid on the Library table.

Nominations for promotion of Sub-Deputy Collectors to posts of Deputy Collectors.

156. Maulvi MD. HASANUZZAMAN: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether any nominations have been called for from the District Officers for appointment as Deputy Collectors by promotion from the Sub-Deputy Collectors during the last three years?

(b) If the answer to (a) is in the negative, will the Hon'ble Minister be pleased to state whether it is in the contemplation of Government to consider the cases of those officers who are likely to be age-barred?

(c) Are the Government considering the desirability of removing the question of age-bar?

(d) If not, what are the reasons?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes.

(b) Does not arise.

(c) and (d) There is no bar regarding the age at which an officer may be promoted, provided that he has been recommended for promotion before reaching a certain age. Government consider the retention of this provision tends to ensure that officers recommended for promotion are in every way fitted to the duties which they will be called upon to perform in a new sphere.

Adjournment motion.

Mr. SASANKA SEKHAR SANYAL: Sir, I have given notice of a motion that the business of the Assembly do now adjourn for the purpose of discussing a definite matter of urgent public importance and of recent occurrence, namely, the situation arising out of the Hon'ble the Chief Minister's presidential address at the Bengal Provincial Muslim League Session held in Calcutta on 8th April 1939

Mr. SPEAKER: Yes, I have got your motion, but I understand there is also a short-notice question, notice of which has been given by Mr. Kiran Sankar Roy. So far as this question is concerned, unless a copy of the whole speech is before me, it is very difficult for me to decide as to whether the motion is in order. What I propose to do is to waive the urgency of the matter and to wait till an answer is given to the short-notice question.

Mr. KIRAN SANKAR ROY: I have not got any reply to my short-notice question.

Mr. SPEAKER: Usual steps have been taken. The practice is that we must obtain the consent of the department concerned. I have sent the question to the department and am waiting to see whether Government will give their consent to answer the question. In case the question is answered some official information will be available, and this will help me to decide whether the motion is in order.

Mr. KIRAN SANKAR ROY: The Hon'ble the Home Minister is present here, and I would ask him whether he is prepared to reply now.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not received the short-notice question; it may be in my office, but I have not seen it yet.

Mr. JOGESH CHANDRA GUPTA: Sir, the notice of this question was given in time, and you are aware of the importance of the matter. The head of the Provincial Government....

Mr. SPEAKER: I have already suggested a course which appears to me to be a simple one, but I have got to be satisfied about the truth or otherwise of the statement alleged to have been made by the Hon'ble the Chief Minister.

Mr. SASANKA SEKHAR SANYAL: I have got a statement, Sir, which I am just handing over to you for your perusal.

(At this stage Mr. Sanyal handed over some papers to Mr. Speaker.)

Mr. SPEAKER: Even now, on a matter like this, I must be satisfied as to whether the facts are correct or not. Mr. Sanyal, you ought to have given it to me before

Dr. NALINAKSHA SANYAL: Under what rule, Sir?

Mr. SPEAKER: Under the rule of satisfying me.

Besides, there is another reason why I do not like to take it up to-day. The Hon'ble the Chief Minister's daughter is seriously ill at Dacca, and he had to leave by aeroplane to see her, and I do not think it would be proper to take this matter up in his absence.

Mr. SANTOSH KUMAR BASU: In view of that information, Sir, I do not think it would be proper to press for this motion being taken up to-day.

Mr. SPEAKER: On technical ground also I must say that I will have to go through it, and then I shall give my decision to-morrow.

Mr. TULSI CHANDRA COSWAMI: Do I understand that you have waived the question of urgency?

Mr. SPEAKER: That question does not arise now. I shall decide it after going through the speech, as soon as the Hon'ble the Chief Minister is here.

Mr. JOGESH CHANDRA GUPTA: Sir, there must have been official reporters present at this meeting, and the Hon'ble the Home Minister may be pleased to supply you, Sir, with a copy of the official report of the speech.

The Hon'ble Khwaja Sir NAZIMUDDIN: No official reporters were present.

Message from His Excellency the Governor.

Mr. SPEAKER: I may just inform the honourable members that His Excellency the Governor has been good enough to send a telegram to me about the sad death of Mr. Birendra Nāth Mazumdar to the following effect:

“Would you please convey to the relatives of Mr. Birendra Majumdar my sincere sympathy in their tragic loss? I trust Mr. Monoranjan Banerjee is progressing satisfactorily.”

I propose to send a reply. Accordingly, I went to the Medical College Hospital at 12 o'clock this morning. Mr. Banerjee is really in a very serious condition, and it is not yet possible to say definitely as to how things will turn out. He is still being given injections, and oxygen is being administered.

GOVERNMENT BILL**The Calcutta Municipal (Amendment) Bill, 1939.**

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
Sir, I beg to move that the Calcutta Municipal (Amendment) Bill, 1939,—

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I draw your attention to the list of business for yesterday and to-day in which it appears that there are three important pieces of legislation? The first relates to the Calcutta Municipal (Amendment) Bill, the second to the Calcutta and Suburban Police (Amendment) Bill, and the third to the Dentists Bill. I submit that it is an accepted principle of parliamentary legislation that a Bill which has reached an advanced stage should be first disposed of so that legislation may not be unnecessarily delayed or held up. In this case I find that the second and third Bills—the Calcutta and Suburban Police (Amendment) Bill and the Dentists Bill—have been passed by the Bengal Legislative Council. That being so, these Bills admittedly are in a more mature position than the Calcutta Municipal (Amendment) Bill dealing with electorates. “In this connection, Sir, we have a specific rule—Section 19 of the Rules and Standing Orders—relating to private Bills, where it has been definitely stated that Bills originating in the Assembly which have been sent to the Council and Bills originating in the Council which have been sent to the Assembly

have precedence over other Bills, and even before that the Governor's Bills and messages have got precedence. The question of precedence in the case of a private Bill is definitely laid down in the rule, and so far as Government business is concerned, it is left to Government to follow the convention, because in the case of private member's Bills the convention would be difficult to follow in that the Bills coming from the other House will be placed before us, and immediately some one of us will have to take up that Bill as a Bill of this House. I submit, Sir, it would not be proper from the point of view of parliamentary procedure to take up this Calcutta Municipal (Amendment) Bill at this stage which is less advanced before the other two Bills, which are more advanced, have been disposed of. It would after all mean one day. I submit, that would create a precedent which might be taken ill by the other House, because they might think that although they have sent an important piece of legislation passed by them, that is being held up by this House which is taking its own time in passing a piece of legislation which is, considered, essential and necessary. In view of this, Sir, would you be pleased to direct Government to proceed with the other two Bills first and thereafter to take up the Calcutta Municipal (Amendment) Bill?

Mr. SPEAKER: There is no doubt that one of the principles of legislation is that mature Bills should be taken up first, but at the same time I do think, and Dr. Sanyal will also agree with me, that if there are Government Bills, Government will decide the matter. You are not to look to one principle merely; in any case, so far as the present Government position is concerned, the rule is definite that the Government has to decide the matter, and I do not think I am entitled to interfere with it. Government has made a selection of order, and I cannot change that order.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I beg to move that the Calcutta Municipal (Amendment) Bill, 1939, as modified by the Select Committee, be taken into consideration.

Mr. SPEAKER: Motions Nos. 1 and 2 are not in order.

Mr. TULSI CHANDRA COSWAMI: Sir, we would like to know the fate of the amendments, notices of which have been sent to you. A large number of amendments have been circulated with the heading that they are under your consideration.

Mr. SPEAKER: I can say at once that it would be better that you should know the exact position.

What I propose to do with reference to the Money-lenders Bill is this: I propose to circularise a little ahead the motions which I considered, subject to their being taken up in the House, to be in order, so that the position may be clarified.

As for this Bill, I might say that motions Nos. 1 and 2 are not in order.

Then the last part of motion No. 7 is not in order, because it deals with adult male franchise. In other words, the general principle which I shall follow is this: anywhere where the question of franchise is involved, that is outside the scope of this Bill. Frankly, this Bill does not deal with franchise; therefore it is out of order.

So far as the Scheduled Castes motions are concerned, they have given me considerable difficulty. I have come to the conclusion for the time being that, unless I hear something later on at a relevant stage, any motion for giving separate electorate to the depressed classes is not within the scope of this Bill.

So far as the amendments in which it is proposed that, instead of separate electorate, joint electorate should be given, they are in order, on the ground that this Bill is really touching the present provision under which joint electorate prevails.

Recommittal to a different Committee is not in order. The question of franchise also is not in order.

So, on this basis, you can follow up in the mean time. If not to-day, then to-morrow, I may be able to circularise so far as the later stages are concerned, and the motions which I consider to be admissible will be circulated within the course of a day or so.

Mr. BIRAT CHANDRA MANDAL: Sir, on a point of order—

Mr. SPEAKER: I will take up your point at the time when a particular motion is under discussion.

Mr. BIRAT CHANDRA MANDAL: Sir, I am not moving my motion, because you have said that my motion is not in order. But on a point of order I would like to say—

Mr. SPEAKER: I have not yet decided whether your motion is in order or not. That is the opinion which I shall hold, until I hear from the member that he has got anything to say to the contrary.

Rai HARENDRA NATH CHAUDHURI: That is an *interim* decision.

Mr. SPEAKER: Dr. Sanyal, are you moving motion No. 3?

Dr. NALINAKSHA SANYAL: Yes, Sir.

Mr. RASIK LAL BISWAS, আমার অনেকগুলি amendment দেওয়া আছে, তার প্রত্যেকটি move করবার সম্বন্ধে বাড়ী থেকে চিন্তা কোরে দেখে শুনবে আসতে হয়। আপনি যদি বোলে দেন—কোন গুলি—

Mr. SPEAKER: I cannot do that. I have only given an outline of what I propose to do, and I have said that either to-day or to-morrow we shall be able to know what the exact position is.

Maulvi ABDUL BARI: On a point of information, Sir, is any member allowed to come to the Chamber with a stick in hand?
(**Dr. NALINAKSHA SANYAL:** He is ill.)

Mr. SPEAKER: Yes, if an honourable member is sick, or lame.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I beg to move that the Bill be recommitted to the original Select Committee with instructions to report by the 31st July, 1939, and the quorum of the Committee be fixed at seven.

Sir, I will not make a long speech on this motion because I feel that all that could be said on the character of this Bill has been very ably explained and placed before the House by our esteemed colleague Mr. Santosh Kumar Basu in the beginning.

I submit, Sir, that, so far as this Bill is concerned, it has emerged practically in the same form as it was presented to the House, doing very little credit to the work that the Select Committee has done. It is quite possible, and I feel that it is one of the main reasons, that the Committee was put to very strenuous work, when the House was in session, that the members could not apply their minds to the different provisions of the Bill to the same extent as the importance of the Bill demanded. I submit, therefore, that, without rushing through the Bill in the manner Government is attempting to do, this Bill should be allowed to take the usual course of time and that it should be examined with all the attention that it requires.

In particular, Sir, I would draw your attention to the two most important questions involved in the Bill. The first important question is the question of electorates. With regard to electorates, there has been a good deal of discussion in the city of Calcutta and in Bengal as a whole,—not merely in connection with this Bill but also generally in connection with our political franchise. I submit that there has been a good deal of difference of opinion shown and there has been a conflict of views expressed in this respect. In East Bengal, where local bodies at the present moment have got joint electorates as in

West Bengal, there has been probably a strong section of Hindu public who would feel that separate electorate would be helpful to them. In the West Bengal, on the contrary, both Hindus, as well as Muhammadans, have preferred to have joint electorate. Even those who wax eloquent in the House to-day on the virtues of separate electorates—take for instance my friend Mr. Abdul Bari—if he would remember his old speeches,—have not failed to recognise what virtue there is in the joint-electorate system. In the new company Mr. Bari is now passing his days, of course, he might have changed his views, but I believe his heart still remains sound, and if he is ever reclaimed from his present associates, probably he will give his very valuable service to the cause of the nation once again. I submit, Sir, that in a matter like this public opinion must and should receive as much attention as possible. To recommit this Bill to the Select Committee does not necessarily mean that the Select Committee would go to the public for eliciting public opinion, but yet it will have some time to examine the implications of separate electorate in the light of its effects on the whole body politic of this province, and probably the Select Committee might advise the House, if it applied its mind properly, not to proceed with the Bill in the form in which it has been presented.

The second and the most important principle of the Bill is the distribution of seats. This Bill covers a wide range of wards—wards which have very different characteristics—with respect to the number of population in the different wards, the number of rate-payers, the number of voters of different communities and the progress maintained during the last few years in the number of voters, population, and rate-payers of those respective wards. My esteemed friend Dr. Syamaprasad Mookerjee made it perfectly clear, when this Bill was first introduced, that there had been considerable injustice—in fact, almost shocking injustice—done to a particular community in the proposal contained in this Bill, so far as the distribution of seats is concerned.

Even if we assume that the total number of seats to be allotted to a particular community should remain where they have been recommended, there probably is much scope for redistribution of those numbers in the different wards. The Select Committee, I am afraid, could not apply their mind in the short period of time available to them to the detailed examination, ward by ward, of the position of different communities and rate-payers and voters. I believe that if they get a little more time, they would bring out something which would have some fairer basis, and some more just attempt to deal with the question of distribution of seats fairly. I submit, therefore, that this Bill be recommitted to the Select Committee. There has been no other sinister purpose that I had in moving this motion and

I believe that the Hon'ble Minister himself will agree and appreciate that a matter like this should not be lightly treated. The whole of Calcutta has been for a long time complaining about difficulties due to mal-distribution of representation.

I come from one of the newly-developed areas of Calcutta, and in that area, ward No. 27, during the last few years the number of residential houses has gone up by about 8 times; the population has gone up by nearly 10 times, and the amount of rate paid has gone up by 20 times and yet the representation has remained what it was 10 or 15 years ago. I submit that this has done the people of that area great injustice. I think if the Select Committee have a little more time, they would certainly deal with distribution of seats more fairly. With this submission, I move my motion and I expect that the Hon'ble Minister will have no difficulty in accepting it.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that the Bill be recommitted to the Select Committee consisting of the same members as before with instructions to submit their report by the 15th May, 1939, and that the quorum of the Select Committee be fixed as before.

Sir, I think I should not inflict a long speech upon the House. The matter has been very well discussed by my friends, Mr. Santosh Kumar Basu and the previous speaker, and it was also well discussed by our esteemed friend, Mr. Syamaprasad Mookerjee, when the Bill was introduced by Government.

It pains me to think that we are living as it in the mediæval age. Religion must be divorced from politics. Whenever we talk of politics we talk of religion as well. Though we are talking of the democracy of the 20th Century in the year 1939, it seems that we are really living in the mediæval age of the 16th Century, and I am quite sure that the freedom of India will not be obtained unless we are prepared to divorce religion from politics. I must give a warning to my friends both on this side as well as on the other side that we must be prepared to intellectualise our religion. Unless we do so, we would be playing into the hands of the foreigners in this country. This Bill, as it is, shows that we are playing into the hands of foreign exploiters in this country. If this Bill is passed, power will go not into the hands of Hindus or Muslims but into the hands of foreign exploiters, as in this House power is really centred in foreign exploiters and the country has to depend on the votes of Europeans for carrying on the administration of Government, and if this Bill is passed, we shall have to depend on the foreigners for carrying on the civic administration as well. My friends on both sides must realise that we must live together. There are different ways of settling this question. It pains me to think that people are talking of the method

of segregation: some talk of the method of subjection, some talk of the method of conflict and some talk of the method of *laissez faire*. In solving this question, we should not think of the method of segregation. We shall have to live here together. It is impossible to think that there would be a Hindu India and a Muhammadan India. The question will have to be solved by us by individually feeling that we are Indians first and Muhammadans or Hindus next. If you do not feel like that, it is impossible to think of freedom of India. We must be prepared to intellectualise our religion and divorce religion from politics. With these words, I commend my motion to the acceptance of this House.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that the Bill be recommitted to the Select Committee with instructions to submit their report by the 30th April, 1939.

After all that has been said, I think not many words are necessary in support of my amendment. At the outset I would urge this point in favour of my amendment that when the Bill was under the consideration of the Select Committee nobody was aware of the opinion of the Calcutta Corporation regarding this Bill. Their considered opinion is now public property. The Corporation at its meeting held on the 31st March passed the following resolution with regard to this Bill, viz.,—

“Whereas in the opinion of the Corporation the Government has failed to satisfactorily explain, in the Statement of Objects and Reasons attached to the Bill, the necessity of altering the present system of the joint electorate for the purpose of election to the Corporation, explaining the desirability to form separate constituencies for the Scheduled Castes, and whereas, in the opinion of the Corporation, neither the undue weightage given to the Muslims nor the allotment of seats to their respective areas is justified, this Corporation opposes the principles and details of the Bill.”

Now, Sir, what I would say is that we have got a definite opinion of the Calcutta Corporation against this Bill. The Select Committee, when it was sitting, could plead ignorance of the opinion of the Calcutta Corporation—at least they could not weigh the opinion of the Corporation in coming to their decisions on this Bill. When the Calcutta Corporation has now expressed its opinion, I think it would be only fair on the part of the Government to take that opinion into their consideration and reconsider the decisions that have been arrived at in the Select Committee. In favour of my proposal for recommitting the Bill to the Select Committee I would urge this as my first point.

Secondly, Sir, if the large number of amendments appearing on the order paper be any index of the mentality of the members of this House, then, I think, it will not be unfair on my part to assume that, if not all, many sections of this House do not agree with the provisions of this Bill even as they have been reported by the Select Committee. When that is the case, I think matters will improve if the Bill be recommitted to the Select Committee for they will now have the opportunity of considering the Bill afresh, with all the suggested amendments before them, and if the Select Committee take the amendments into their consideration and can arrive at a fresh decision on the Bill, it will be of much help indeed and make matters smooth. In this view also, I urge that the Bill be recommitted to the Select Committee.

Mr. SPEAKER: I am very doubtful whether the second part of the amendment of Mr. Abu Hossain Sarkar is in order. I have not been able to come to a decision whether "Indian Christians" comes within the scope of the Bill, and following the convention, I would leave it to the decision of the House without giving any decision myself.

Maulvi ABU HOSSAIN SARKAR: I am not moving that part of my amendment, Sir.

I beg to move that the Bill be recommitted to the Select Committee with instructions to make provision for—

(a) Joint electorate for Muslims with reservation of seats with instructions to submit their report as soon as possible and that the quorum of the Select Committee be fixed as was originally proposed.

Mr. SPEAKER: Will you move No. 8, sub-clause (iv) also?

Maulvi ABU HOSSAIN SARKAR: I beg to move that the Bill be recommitted to the Select Committee with a view to make the following additional provision in the Bill, namely, to abolish nomination and to allot hitherto nominated seats to different constituencies proportionately, with instructions to submit their report by 31st July, 1939, and that the quorum of the Select Committee be fixed at five.

Dr. NALINAKSHA SANYAL: Sir, will you not permit him to combine the two?

Mr. SPEAKER: I will. Mr. Sarkar, I think you had better combine your two motions, viz., 7(a) and 8(iv).

Maulvi ABU HOSSAIN SARKAR: At the time when the Bill was first introduced I asserted that the Bill as drafted if passed into law will jeopardise the interests of the Mussalmans of Bengal. I still maintain that position even after the Bill has come out from the Select Committee. Apparently it is thought that this Bill if passed into law will curtail the power of the Hindus in the Calcutta Corporation, but on closer analysis it will be found that it is not so. In the Bill, provision has been made for giving 46 seats to the Hindus and out of the proposed nominated members, at least one seat will go to the backward Hindus.

Provision has also been made for labour seats and I am convinced that from this constituency only Hindus will be elected. Then again, out of the 12 seats for special interests at least one-third or one-fourth of the members will come from the Hindu community. Therefore in my opinion 52 members at least will come from the Hindu community in a House of 99. The question of curtailing the power of the Hindus, therefore, does not arise. What is going to be done is to curtail the power of the nationalist Hindus. By careful manipulation the party in power will bring in some Hindus who always stand against the cause of nationalism. I mean, the capitalists and the vested Hindu interests.

Again you are introducing separate electorate for the Muhammadans. I think this will be against the interests of the Bengali Muhammadans, and for the country as a whole separate electorate has got a history of its own. It was introduced in 1906. At that time a deputation of the Muslim League waited on Lord Minto and proposed that certain sections of the Muhammadans only should be enfranchised and not the whole community. They proposed that only the Muhammadan zemindars, the Muhammadan pleaders, the Muhammadan merchants, the members of the district boards and Councillors of the municipalities, graduates of some years' standing and some other representatives of special interests should only be enfranchised. The deputationists were of the opinion that the masses of the Muhammadan community should not be enfranchised and they gave their reasons in support of that view. In pressing their point they stated "we therefore submit as a standard of adequate representation that the members of the Muhammadan community on the several councils should be so fixed that if the Muhammadans were to join with certain members of what may be called 'non-partisan' members to receive their support in any particular question, the issue may be decided accordingly." These non-partisan members as we know are the European members and the nominated group from the Government block. This idea was made very much clear when a respectable Muhammadan member of the Government gave his reason subsequently. He said "I do not think, however, that the assumption is

right that the Muhammadans who would be returned to the Legislative Council on an extended franchise will not be anti-British. There is already the beginning of a movement at the present moment amongst the younger section of the Muhammadans which is anti-British and decidedly antagonistic to the opinion of the elder and sober section of the Muhammadans."

That gentleman also wrote "With the extension of franchise, young pleaders, journalists and men with very little stake amongst the Muhammadan community will have a better chance of being returned." Therefore the deputationists wanted separate electorate not for the benefit of the Muslim community as a whole but for the vested interests among the Muhammadans.

Another intention which they expressed as I submitted was that they should always side with the non-partisan elements, *i.e.*, Europeans and the nominated members. Now fortunately, the nominated block has vanished from the legislature, but, by introducing separate electorate in the Corporation the sponsors of the Bill who inherit the same idea as of those gentlemen who led the deputation, like to attach Muhammadans firmly to the Europeans by separating them from the nationalist Hindus, and make the Bill as far as possible anti-national.

Another intention of introducing separate electorate has been given out by Sir George Campbell on the floor of this House only the other day. At the time of sermonising the Congress the honourable gentleman said "the Congress party might even consider it an advantage to be relieved of this great responsibility of the Calcutta Corporation from year to year, because from what I have heard in this House, time and again, it is used as a stick to belabour their backs. So I suggest to them that they might support this Bill in order to get a balance of power." Everybody knows what is this balance of power. In an unguarded moment the gentleman let out the real intention of introducing this Bill. The intention is as clear as daylight. The British people wanted the balance of power and their ulterior intention is to separate the nationalist Muhammadans from the nationalist Hindus and attach them to the Europeans, so that they may use the Muhammadans according as they like.

These European gentlemen for 200 years supported the cause of Hindus with vested interests in order to crush down the Muhammadans in Bengal and now they are trying to ride on the Muhammadans in order to crush down the nationalism that is in evidence now-a-days in the Hindu community. Now, Sir, I want to say to my Muhammadan friends that to go with Europeans is not to our advantage. Look at the history of the world, look at the case of Albania, look at the case of Palestine, and look into the history of India. You will find that these European gentlemen are the greatest enemies of

Islam and Mussalmans. Never think that they will be friends of the Bengal Muslims. Now-a-days the Muhammadans are supposed to be perpetual minors. Signor Mussolini claims to be the guardian of the Muhammadans. Now Herr Hitler comes forward and says that he has become their guardian. Japan from the East claims that she is the guardian of the Muhammadans and these British people from the West—are supposed to be the guardians of Muhammadans, sooper the minority ceases the better for the Mussalman. (An interruption from Mr. Afzal.) Yes, I know Mr. Afzal, the redoubtable Muktear of Pirajpur, will interrupt me now and then because he comes from a district which is noted for its dacoits.

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Now, Sir, I give you the history of separate electorate. It is better that the Muhammadans in their own interests should accept joint electorate with reservation of seats. You are getting 22 members only. With these 22 members you cannot do anything. In a House of 99, 22 is a very insignificant number and you will have to join with somebody. It is now your choice to find out with whom you will join. If you join with the Europeans I submit they are very slippery. They are the very persons who ruined the cause of Mussalmans all over the world. The Hindus might have done some wrong to you but they are your countrymen. You may mix with them; you may be friends with them; you may adjust your claims with them, you come forward and ask, demand and claim, justice from them, but from the Europeans you can never claim justice. They are the enemies, the true enemies, the real enemies of Islam. Islamic powers and Islamic countries are ruined by their machinations. Even now they are trying to obliterate the Muslim power from the face of the world. Now, Sir, I recommend joint electorate with reservation of seats and I think some prominent people of our country are of opinion that joint electorate is for the interests of the Muhammadans. I do not want to go further. I only want to quote a passage from a book.

Mr. SPEAKER: I hope you will finish your speech by 6-30.

Maulvi ABU HOSSAIN SARKAR: If you will permit me, Sir, I wish to continue my speech after the adjournment for prayer.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Maulvi ABU HOSSAIN SARKAR: I was saying, Sir, before the House adjourned for prayer, that joint electorate was for the good of the Mahomedans. This view of mine was endorsed even by Maulana

Akram Khan in his book "Misra and Swatantra Nirbachan," published by the Muslim League of Bengal in 1932. In that book the Maulana says—

“আমাদের তখনকার নেতারা দেশ শাসনের অধিকার চাহিয়াছিলেন—কেবল জমিদার, ঠিকি ও উচ্চ শিক্ষিত মুসলমানদিগের জন্য। জাতির সাধারণ স্তরে রাজনৈতিক জীবনের উন্মেষ সাধন করাই বে প্রথম আবশ্যিক; তাহারা তখন তাহা আদৌ অনুভব করেন নাই। কাজেই কেবল ধনিক, বণিক ও ইংরেজি শিক্ষিত রাজ-কর্মচারীদিগের হৃদয় ও পৃষ্ঠের ভারনা চাৰিয়াই তাহারা ক্ষান্ত হইয়া ছিলেন। তাহাদের গণ্ডির বাহিরে উৎপীড়িত, নিৰ্য্যাসিত, হৃতস্বৰ্গ কোটি কোটি মুসলমানকে—তাহাদের স্বার্থ ও রাজনৈতিক অধিকারকে, তাহারা অতি নিষ্পেষভাবে উপেক্ষা করিয়াছিলেন। বর্তমানেও মিশ্র ও স্বতন্ত্র নির্বাচনের, বিসম্বাদের মূল বীজটি এই খানেই লুকাইয়া আছে। একদল চাহিতেছেন মুসলমান সমাজের নাম করণে সঞ্চিত সমস্ত সুবিধা ও অধিকারগুলি নিজেরা ভোগ করিতে। আর একদল চাহিতেছেন বাংলার প্রত্যেক মুসলমান অধিবাসীকে শক্তি দিয়া সম্পন্ন করিতে। অধিকার দিয়া ভাগ্য করিতে—প্রকৃত শত্রুদের গ্রাস হইতে তাহাদিগকে রক্ষা করিতে।”

This view still holds good. The only thing is that the Maulana Sahab has changed his opinion, and for what everybody knows. From another point of view, Sir, this joint electorate in the Calcutta Corporation will be for the good of the Mahomedans. We are getting 22 seats no doubt. But if we get joint electorate, we shall be able to influence the Hindu opinion because for our votes Hindu gentlemen must come to us and must respect our feelings and our interest.

The next point I propose is the abolition of the system of nomination, which is against the principle of democracy. It is only bringing in some people by the back door who are opposed to the interest of the country. I submit the House will consider all these things and support my motion. I only press for joint electorate with reservation of seats for Mahomedans and for the abolition of the system of nomination.

With these words, Sir, I commend my motion to the acceptance of the House.

Mr. SANTOSH KUMAR BASU: Mr Speaker, Sir, I desire to move the amendment which stands in my name that the Bill be re-committed to the Select Committee with instructions to submit their report by the 7th of May, 1939.

Sir, when I bring forward this amendment before this House for its consideration, it requires some amount of explanation as to why I should be taking this step. I am well aware, Sir, that in the Select Committee we who represent a particular point of view were in a minority of four; and one can well realise, that by the overwhelming number of votes of members who represent a different point of view, at every step our suggestions, our recommendations and our amendments are likely to be smothered. With full consciousness of that position I am again bringing forward this amendment before this

House for its consideration, and that attitude on my part requires some explanation. At the very outset I take this opportunity of paying that tribute which is due to the Chairman of the Select Committee, the Hon'ble Nawab Bahadur of Dacca. He showed us, the minority, sufficient consideration and courtesy which avoided situations which might otherwise have been created. In view of that when I bring forward this motion, I do it in all sincerity and I limit the time, within which the report of the Select Committee should come before this House to the 7th of May, so that we in this House can have our final say in this session with regard to this Bill which has been of an extremely controversial character. I know, Sir, there was a great deal of eagerness on the part of some members to finish the deliberations of the Select Committee within a day or two by sheer force of votes, but it was the courtesy of the Chairman again which avoided such an eventuality and the minority was given some opportunity of backing up their recommendations with argument and reason. I, therefore, claim that the House would be well advised if they accept this amendment and send this Bill again to the Select Committee with the direction that the final recommendations should come up before this House by the 7th of May. This is not a blocking motion; it is not inspired by an obstructive attitude; but the real reason which has actuated me to bring in this amendment, in spite of the background which is against this Bill, is that much will be gained and nothing will be lost if the matter is sent back to the Select Committee. Why? I will ask the Hon'ble Minister-in-charge, I will ask the entire Cabinet, to take note of the situation created by this Bill having been placed on the legislative anvil. I will ask them in all humility and in all seriousness not to thrust this Bill in this shape down the throat of Calcutta but to take note of the situation which has made itself abundantly clear that the people of Calcutta have not taken and will not take, this Bill lying down. I am not using these words by way of a threat. But I am asking the Cabinet, I am appealing to that statesmanship which is expected to inspire their action,—that statesmanship which requires that full note should be taken of the situation which has been created by reason of the Bill having been brought before this House and having been sought to be rushed through this session. Sir, I know that this Bill was not circulated for public opinion. I know that the opinion of the Calcutta Corporation was not sought for. I know there was a desire on the part of the majority party in this House to see this Bill through in this very session. In spite of that, public opinion in Calcutta has not remained quiet. Public opinion in Calcutta, Hindu public opinion at any rate, has made itself amply vocal and has not at all left itself in the region of uncertainty. They may say that it is inspired by a spirit of communalism. That would be an easy way of disposing of the strong protest that has been lodged

against this Bill. At the same time Government would be extremely ill-advised if they think that there is no sincerity, there is no genuineness behind this agitation, behind this storm of protest which has been raised from one corner of the city to the other. That agitation, I can assure the House, is not actuated by a desire to check the growth of a new spirit amongst the Moslem community in this city—the spirit of self-assertiveness which has been manifest in these days. It is not such a spirit which has actuated the Opposition to this Bill. On the other hand, the real reason which has inspired this citywide agitation to this ill-conceived measure is this, that by means of this Bill an overwhelming majority of the population of Calcutta is going to be reduced to the position of a helpless and miserable minority. That is not a position which any democratic body can countenance with equanimity. I will ask those members who have pressed for bringing in this Bill in this House not to flout the opinion of the overwhelming majority of the population of Calcutta. They feel and genuinely feel that the allotment of seats to them is so unreasonable, and contrary to all considerations of justice and fair play, that the matter requires serious reconsideration at the hands of the Government. I am not for the time being talking of separate electorates. That is a matter on which there has been considerable expression of opinion in this House on broad grounds of nationalism and common citizenship. If these considerations do not appeal to my friends opposite, I am not going to prolong the quarrel on that point to-day on the floor of this House. But what about the number of seats? Have you got any right whatsoever, because you are armed with authority drawn from the distant corners of Bengal, to override the unanimous opinion of the majority community in this city and to reduce them to the position of a miserable minority? That is what I am asking you to consider. It may be that if the Bill is sent back to the Select Committee to be once again resubmitted to this House by the 7th of May, the Select Committee may evolve some methods and some means which will meet all the different points of view and allay the resentment outside this House which has been expressed in no uncertain manner all over this city.

Take note of that feeling and sentiment so genuinely entertained and so vehemently expressed. Do not flout it; do not disdain it; do not treat it with contempt. There is force in it; there is meaning in it; there is purpose in it. And I would ask you—members of the Cabinet and the members of this House who have got power in their hands and the control of the situation in this House, not to overlook those unmistakable signs. If there is any genuineness in it, it behoves a responsible Government which you claim to be to take note of it, to try to allay it and to find out a *via media* which will meet the different points of view honestly, fairly and squarely, and bring

about an honourable reconciliation. Well, as I have already stated, we in the Select Committee had to grapple with the desire for rush and hurry evinced by the majority of the members. And although the Committee had to come up with a proposal for a slight extension of time, even then so many different considerations had to be taken up, so many conflicting views had to be reconciled, that even the extension up to the 30th of March was found to be wholly inadequate for doing justice to this matter.

I am again reminding the Hon'ble Nawab Bahadur that with regard to this allotment of seats if an increase in the number of seats is proposed, it will certainly require some further materials to be taken into consideration before final allotment can be made. Schedules have been proposed by way of amendments by some members of this House, apparently on the materials which were then available to the members of the Select Committee from the point of view of population, from the point of view of the number of voters and so on and so forth. It may be that there is considerable room for improvement in this direction. I would ask the members of the Cabinet and the Hon'ble Minister in charge not to trample under their feet this very modest request to send the matter back to be returned to this House by the 7th of May in good time to be taken into consideration and to give it the final imprimatur of this House on the shape it takes in the Select Committee.

I would suggest to the Hon'ble Minister not to conclude the debate this evening. I would again ask him to think over this matter this evening and overnight, and to come prepared after further consultation with his honourable colleagues on the particular suggestion put forward by me—the very modest request to send the matter back to the Select Committee to be brought back before the House by the 7th of May.

I submit, Sir, that there are various other matters which can be thrashed out effectively only in the frankness and freedom of the Committee room. You know, Sir, that the Select Committee has been given power under the rules to call for expert evidence and hear witnesses. Is it a matter, Sir, in which one can say with any show of boldness without fear of contradiction, that it is not a matter in which interested parties need be given a hearing and that it is not a matter in which expert evidence need be taken either oral or documentary? A fundamental change is going to be introduced in the constitution of the government of Calcutta. Joint electorates are going to be substituted by separate electorates in the matter of allotment of seats. The Scheduled Castes are going to have separate representation in particular wards. Nobody knows what claim those particular wards have got to separate representation of the Scheduled

Castes in preference to the other wards of the city. What are the materials which induced the sponsor of the Bill to provide those particular wards and no other wards with separate seats for the Scheduled Castes? These matters have got to be considered. Admittedly, we have to go into these intricate and very difficult questions on the fresh materials which may be placed before us. These are matters not exactly connected with political convictions or political theories, but of hard facts. And I do say, that nobody can be so bold as to assert that in the course of 5 or 6 days we have done justice to these intricate questions and we have done what we as responsible politicians and members of the Legislature should do to shape the future of a city like the city of Calcutta.

I would again appeal to the Hon'ble Minister-in-charge to defer his final reply till to-morrow or the day after. I know some of my friends over there will violently shake their heads (Laughter), but I would ask them to take a long view of the matter and not to try to smother public opinion in this fashion. They have got the power; they have got the legal competence but have they got the moral competence to perpetrate such an outrage? That is the question that I am asking.

It may be that public opinion which has been expressing itself so far in the shape of meetings, in the shape of *hartals*, in the shape of closing of shops, might take some other form. Everybody here is anxious to allay public resentment. I am as much anxious as you are in this matter, and take it from me that I will join with you in any attempt to give public opinion a fair chance of expression before this Bill is given its final shape and form on the floor of this House. (Applause from Opposition Benches.)

Mr. PULIN BEHARY MULLICK: Mr. Speaker, Sir, at the outset I feel it my duty to express our grateful thanks to the Hon'ble the Nawab Bahadur of Dacca for his broad sympathy for the people of the Scheduled Castes. Sir, it is for the first time that representation has been sought to be given to the Scheduled Castes on the Corporation, so that they might have a voice in the municipal affairs of the city, but, Sir, the method of representation proposed in the Bill is rather defective. It proposes reservation of seats through joint electorate. Let us, Sir, analyse the implications of this method. We all know that the caste Hindus are in a majority in all the constituencies of this city—roughly speaking the ratio of population between the caste Hindus and the Scheduled Castes would be 88 to 12. So, Sir, it is all too apparent that the votes of the former will decide the elections, that is to say a deserving person belonging to the Scheduled Castes may be rejected and an undesirable person may be returned. Herein, Sir, lies the fallacy. This fallacy can only be removed if voting is confined to

the people for whom representation is meant. (Dr. NALINAKSHA SANYAL: Are you supporting or opposing the recommittal motion?) Have patience. The Bill proposes to allot 7 seats to the Scheduled Castes on the population basis. Sir, whatever these seats are, instead of being seats for the Scheduled Castes, they will, in effect, be additional seats for the majority community.

Dr. NALINAKSHA SANYAL: Are you supporting or opposing the recommittal motion?

Mr. SPEAKER: I hope you will now say whether you are opposing or supporting the recommittal motion.

Mr. PULIN BEHARY MULLICK: I am coming to that, Sir. There must be some grounds. (Dr. NALINAKSHA SANYAL: Recount them. You are not coming to any conclusion.)

Sir, reservation of seats is nothing but a mockery, and, therefore, such a thing should be opposed at all costs.

Then again, Sir, the proposed method, if adopted, will force the people of the Scheduled Castes to join the Congress (Dr. NALINAKSHA SANYAL: What a great sin!), though they have kept themselves away from this movement so far.

Sir, the analogy of the Poona Pact has no application or bearing here, because in the rural areas the people of the Scheduled Castes are not in such a hopeless minority.

But in Calcutta the population ratio and other factors being what they are, there will not be the slightest chance for the return of a Scheduled Castes' candidate unless he gets the support of the Congress. So, Sir, there is absolutely no justification for setting up a machinery which goes against the interests of these people.

Babu PREMHARI BARMA: On a point of order, Sir. You have ruled that separate electorate for Scheduled Castes is not within the scope of the Bill and now the motion before the House is whether the Bill should be recommitted to the Select Committee or not. But Mr. Mullick is speaking whether there should be separate electorate or joint electorate for the Scheduled Castes.

Mr. SPEAKER: I am not looking at it from that point of view. Just as Mr. Santosh Kumar Basu discussed this matter in considering the merits of the Bill, so Mr. Mullick is also discussing this question in considering the merits of the Bill. But I hope Mr. Mullick will come to the conclusion as soon as possible as to whether he is supporting the motion for recommittal or not.

Mr. PULIN BEHARY MULLICK: Sir, I am coming to that. As I have already stated, it is inconsistent with the Statement of Objects and Reasons of the Bill, which clearly lays down the policy of the Government, namely, "to safeguard the interests" of these people. Sir, this method of joint electorate has been tried in the case of a more powerful and more advanced community than the Scheduled Castes and the consensus of opinion of this community is that the method has failed. So, Sir, this experiment should not be repeated in the case of the Scheduled Castes.

In conclusion I submit that the Bill with its report and the various dissentient notes, has been subjected to the closest scrutiny of the honourable members of this House and a very large number of amendments has been the result of such scrutiny. A judicious selection of these amendments and their adoption will certainly remove legitimate grievances. So, Sir, I submit that there is no case for recommitment and I, therefore, oppose the amendment for recommitment.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I have listened carefully and patiently to the speeches made by my friends who have moved the several amendments for recommitting this Bill to the Select Committee. I regret that I find they have made out no case for recommitment. I shall give my reply specially to the impassioned speech which has been made by my friend, Mr. Santosh Kumar Basu. Firstly, while thanking him for the very kind words which he has used about me, I regret I do not agree with him.

Dr. NALINAKSHA SANYAL: ভরী দল বাদ নয়!

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, the Bill is a very simple Bill with a very few clauses. There are five principles involved in this Bill. Firstly, is this House prepared to grant separate electorate to the Muslims or accept joint electorate for them? Secondly, is this House prepared to give representation to labour? Thirdly, is this House prepared to give representation to Anglo-Indians? Fourthly, is this House prepared to give representation to the Scheduled Castes? And fifthly, is this House prepared to accept nomination or not?

I am grateful to Mr. Basu when he said that the Hindu public opinion has been expressed in no uncertain terms, and I can assure him in this House that Muslim public opinion has also been expressed in no uncertain terms.....

Mr. SANTOSH KUMAR BASU: Then reconcile these two opinions

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: This House also had had the opportunity of giving its opinion when this Bill was referred to the Select Committee. The Select Committee has thoroughly gone into this matter and have, by a majority, accepted most of the principles of the Bill and sent back the Bill for the acceptance of the House. It is for this House to thrash this Bill here.....

Dr. NALINAKSHA SANYAL: We want to prevent thrashing!

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Thank you very much for your interruption. I do not see why this Bill should be recommitted to the Select Committee. It may be decided in this House whether the principles of the Bill should be accepted or not. I think, this Bill has been sufficiently discussed not only by the Committee but also in this House and therefore, I oppose all the motions that have been moved by the several members.

Mr. SPEAKER: I have selected the motion of Rai Harendra Nath Chaudhuri (No. 6) for putting to vote first, because that contains the earliest date available, namely, the 30th April.

Dr. NALINAKSHA SANYAL: Sir, there are two principles involved in the different amendments that have been moved.

Mr. SPEAKER: Will you name one motion which may be considered the main motion so that I may put that to vote first?

Dr. NALINAKSHA SANYAL: So far as the motion of Maulvi Abu Hossain Sarkar is concerned, that stands by itself. It has got a definite purpose.

Mr. SPEAKER: If the Opposition agrees, I may put the motion of Maulvi Abu Hossain Sarkar first.

Dr. NALINAKSHA SANYAL: There are two groups of motions—one group is for recommitment with different dates and the other is for recommitment with different instructions.

Mr. SPEAKER: What I propose to do is that I will first put whether the Bill should be recommitted at all or not. If that fails, then other motions fall through automatically. On an occasion like this, I am anxious that members should get the opportunity of leaving early.

Mr. JOGESH CHANDRA GUPTA: Sir, we would like that the motion of Maulvi Abu Hossain Sarkar be first put to vote.

The motion of Maulvi Abu Hossain Sarkar that the Calcutta Municipal (Amendment) Bill, 1939, be recommitted to the Select Committee with instructions to make provision for—

- (a) Joint electorate with reservation of seats for Muslims; and
- (b) to abolish nomination and to allot hitherto nominated seats to different constituencies proportionately.

with instructions to submit their report by 31st July, 1939, and that the quorum of the Select Committee be fixed at five, was then put and a division taken.

AYES 83.

Abdul Wahed, Maulvi.
 Abu Hossain Sarkar, Maulvi.
 Abul Fazl, Mr. Md.
 Acharyya Choudhury, Mahdaja Sashi Kanta, of Muktagacha, Mymensingh.
 Ahmed Khan, Mr. Syed.
 Asimuddin Ahmed, Mr.
 Banerji, Mr. P.
 Banerjee, Mr. Paramatha Nath.
 Banerji, Mr. Satya Priya.
 Banerjee, Mr. Sibnath.
 Barma, Babu Premhari.
 Barma, Mr. Puspajit.
 Barman, Babu Shyama Prasad.
 Barman, Babu Upendra Nath.
 Basu, Mr. Jatindra Nath.
 Basu, Mr. Santosh Kumar.
 Bhattacharya, Dr. Gokinda Chandra.
 Biswas, Babu Lakshmi Narayan.
 Biswas, Mr. Rasik Lal.
 Biswas, Mr. Surendra Nath.
 Chakrabarty, Babu Harendra Narayan.
 Chattopadhyay, Mr. Haripada.
 Chaudhuri, Rai Harendra Nath.
 Das, Babu Mahim Chandra.
 Das, Babu Radhanath.
 Das, Mr. Monmohan.
 Das Gupta, Babu Khagendra Nath.
 Das Gupta, Dr. J. M.
 Das Gupta, Srijet Harendra Nath.
 Dutta, Mr. Dharendra Nath.
 Doley, Mr. Harendra Nath.
 Dutta, Mr. Sukumar.
 Dutta Gupta, Miss Mira.
 Dutta Mazumdar, Mr. Niharendu.
 Emdadul Haque, Kazi.
 Ghose, Mr. Atul Krishna.
 Giasuddin Ahmed, Mr.
 Goswami, Mr. Tuli Chandra.
 Gupta, Mr. Jogesh Chandra.
 Hasan Ali Chowdhury, Mr. Syed.
 Jamaluddin Hashemy, Mr. Syed.

Jalan, Mr. I. Q.
 Kumar, Mr. Atul Chandra.
 Kundu, Mr. Nishitha Nath.
 Maiti, Mr. Nikunja Behari.
 Maltra, Mr. Surendra Mohan.
 Maji, Mr. Adwaita Kumar.
 Majumdar, Mrs. Homapreva.
 Mal, Mr. Iswar Chandra.
 Mandal, Mr. Amrita Lal.
 Mandal, Mr. Jogendra Nath.
 Mandal, Mr. Krishna Prasad.
 Maniruzzaman Islamabadi, Maulana Md.
 Maqbul Hossain, Mr.
 Mukherjee, Dr. Syamaprasad.
 Mukherji, Mr. Dharendra Narayan.
 Mukherjee, Mr. B.
 Mukherji, Dr. H. C.
 Mukherji, Dr. Sharat Chandra.
 Mullick, Srijet Ashutosh.
 Nasker, Mr. Hem Chandra.
 Nausher Ali, Mr. Syed.
 Pain, Mr. Barada Prasanna.
 Paul, Sir Hari Sankar.
 Ramizuddin Ahmed, Mr.
 Roy, Mr. Chare Chandra.
 Roy, Mr. Dhannanjay.
 Roy, Mr. Kamalkrishna.
 Roy, Mr. Kiran Sankar.
 Roy, Mr. Kishori Pati.
 Roy, Rai Bahadur Kshirod Chandra.
 Roy, Mr. Manmatha Nath.
 Sanyal, Dr. Nalinaksha.
 Sanyal, Mr. Sasanka Sekhar.
 Sen, Babu Nagendra Nath.
 Sen, Rai Bahadur Jogesh Chandra.
 Shahedali, Mr.
 Shamsuddin Ahmed, Mr.
 Sinha, Srijet Manindra Bhushan.
 Sur, Mr. Harendra Kumar.
 Tagorin, Rai Bahadur Moongta Lal.
 Waller Rahman, Maulvi.
 Zaman, Mr. A. M. A.

NOES 123.

Abdul Aziz, Maulana Md.
 Abdul Bari, Maulvi.
 Abdul Haq, Mr. Mirza.
 Abdul Haq, Mr. Mia.
 Abdul Hakim, Maulvi.
 Abdul Hakim Vikramপুরi, Maulvi Md.
 Abdul Hamid, Mr. A. M.
 Abdul Hamid Shah, Ngulvi.
 Abdul Jabbar, Maulvi.
 Abdul Kader, Mr. alias Lal Meah.
 Abdul Karim, Mr.
 Abdul Latif Biswas, Maulvi.
 Abdul Majid, Mr. Syed.
 Abdul Wahab Khan, Mr.
 Abdulla-al Mahameed, Mr.
 Abdur Rahman, Khan Bahadur A. F. M.
 Abdur Rasheed Mahmood, Mr.
 Abdur Rasheed, Maulvi.
 Abdur Rauf, Khan Sahib Maulvi S.
 Abdur Rauf, Mr. Shah.
 Abdur Razzak, Maulvi.
 Abdus Shabood, Maulvi Md.
 Abdur Reza Chowdhury, Khan Bahadur Maulvi.
 Abul Hashim, Maulvi.
 Abul Hasain Ahmed, Mr.
 Abul Quasem, Maulvi.
 Aftab Ali, Mr.
 Aftab Hosain Joardar, Maulvi.
 Ahmed Ali Enaytपुरi, Khan Bahadur Maulana.
 Ahmed Ali Mridha, Maulvi.
 Ahmed Hosain, Mr.
 Alifazuddin Ahmed, Khan Bahadur Maulvi.
 Aminullah, Khan Sahib Maulvi.
 Amir-ul-Mia, Maulvi Md.
 Ashrafali, Mr. M.
 Aulad Hossain Khan, Maulvi.
 Azhar Ali, Maulvi.
 Barat Ali, Mr. Md.
 Bell-Hart, Miss P. B.
 Blomesteck, Mr. L. M.
 Brasher, Mr. F. O.
 Chippendale, Mr. J. W.
 Clark, Mr. I. A.
 Das, Mr. Anukul Chandra.
 Das, Rai Sahib Kirit Bhusan.
 Dass, Babu Debendra Nath.
 Edbar, Mr. Upendranath.
 Farhad Raza Chowdhury, Mr. M.
 Farhut Bano Khanam, Begum.
 Fazlul Quadir, Khan Bahadur Maulvi.
 Fazlur Rahman, Mr.
 Fazlur Rahman (Mymensingh), Mr.
 Gomes, Mr. S. A.
 Griffiths, Mr. C.
 Gyaruddin Ahmed Choudhury, Alhadj.
 Habibullah, the Hon'ble Nawab Bahadur K., of
 Dacca.
 Hafruddin Chowdhury, Maulvi.
 Hamiduddin Ahmad, Khan Sahib.
 Hamilton, Mr. K. A.
 Hasanuzzaman, Maulvi Md.
 Hashem Ali Khan, Khan Bahadur Maulvi.
 Hasina Nurshed, Mrs. M. B. E.

Hatemally Jamadar, Khan Sahib Maulvi.
 Hawkins, Mr. R. J.
 Hendry, Mr. David.
 Hirtzel, Mr. M. A. F.
 Idris Ahmed Mia, Maulvi.
 Ispaflani, Mr. M. A. H.
 Jalaluddin Ahmad, Khan Bahadur Maulvi.
 Jasmuddin Ahmed, Mr.
 Kahiruddin Khan, Khan Bahadur Maulvi.
 Kennedy, Mr. I. G.
 McGregor, Mr. G. G.
 Mahzuddin Ahmed, Dr.
 Mahzuddin Ahmed, Maulvi.
 Maguire, Mr. L. T.
 Mahtabuddin Ahmed, Khan Bahadur Maulvi.
 Mandal, Mr. Banku Behari.
 Mandal, Mr. Birat Chandra.
 Mandal, Mr. Jagat Chandra.
 Mohammed Ali, Khan Bahadur.
 Mohsin Ali, Mr. Md.
 Moslem Ali Mollah, Maulvi.
 Mozammel Huj, Maulvi Md.
 Muhammad Afzal, Khan Sahib Maulvi Syed.
 Muhammad Ibrahim, Maulvi.
 Muhammad Ishaque, Maulvi.
 Muhammad Israeli, Maulvi.
 Muhammad Siddique, Khan Bahadur Dr. Syed.
 Muhammad Solaiman, Khan Sahib Maulvi.
 Mullick, the Hon'ble Mr. Mukunda Behary.
 Mullick, Mr. Pulin Behary.
 Musharruf Hossain, the Hon'ble Nawab, Khan
 Bahadur.
 Mufitgawwal Haque, Mr. Syed.
 Mustafa Ali Dewan, Maulvi.
 Nandy, the Hon'ble Maharaja Srischandra, of
 Cossimbazar.
 Nazarullah, Nawabzada K.
 Nazimuddin, the Hon'ble Khwaja Sir, K. C. I. E.
 Nooruddin, Mr. K.
 Norton, Mr. H. R.
 Patton, Mr. W. C.
 Rahman, Khan Bahadur A. M. L.
 Raikut, the Hon'ble Mr. Prasanna Deb.
 Razaur Rahman Khan, Mr.
 Roy, the Hon'ble Sir Bijoy Prasad Singh.
 Roy, Mr. Patiram.
 Sadraddin Ahmed, Mr.
 Safruddin Ahmed, Maji.
 Salim, Mr. S. A.
 Sarkar, Babu Madhusudan.
 Sarkar, the Hon'ble Mr. Nalin Ranjan.
 Sarajul Islam, Mr.
 Shahabuddin, Mr. Khwaja, C. B. E.
 Shamsuddin Ahmed Khondkar, Mr.
 Sirdar, Babu Little Munda.
 Smith, Mr. H. Brabant.
 Steven, Mr. J. W. R.
 Sukrawardy, the Hon'ble Mr. H. S.
 Tamizuddin Khan, The Hon'ble Mr.
 Totul Ahmed Chowdhury, Maulvi Haji.
 Walker, Mr. W. A. M.
 Wordsworth, Mr. W. C.
 Zahur Ahmed Chowdhury, Maulvi.

Ayes being 83 and Noes 123 the motion was lost.

The motion of Dr. Nalinaksha Sanyal that the Bill be recommitted to the original Select Committee with instructions to report by the 31st July, 1939, and the quorum of the Committee be fixed at seven was then put and lost.

The motion of Mr. Dharendra Nath Datta that the Bill be recommitted to the Select Committee consisting of the same members as before with instructions to submit their report by the 15th May, 1939, and that the quorum of the Select Committee be fixed as before was then put and lost.

The motion of Mr. Santosh Kumar Basu that the Bill be recommitted to the Select Committee with instructions to submit their report by the 7th of May, 1939, was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that the Bill be recommitted to the Select Committee with instructions to submit their report by the 30th April, 1939, was then put and lost.

The motion of the Hon'ble Nawab Khwaja Habibullah Bahadur of Dacca that the Calcutta Municipal Amendment Bill, 1939, as reported by the Select Committee, be taken into consideration was then put and agreed to.

Adjournment.

The House was then adjourned till 4-45 p.m. on Wednesday, the 19th April, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 19th April, 1939, at 4.45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 201 members.

Obituary reference.

MR. SPEAKER: Ladies and gentlemen, once again it is my melancholy and mournful duty to refer to a sad death, that of Mr. Manoranjan Bannerjee. I went to the hospital, as I said before, yesterday, and little did I then realise that he would die so soon, even though his condition was serious. But soon after the adjournment of the House yesterday I was apprised of the sad news of his death over the phone. Mr. Bannerjee was very well known to us, and I still remember some of his speeches, notably his speech in connection with the hunger-strike in the Dacca Jail. It struck me that he was one who, while speaking with feelings, could yet exercise a considerable amount of reservation and sobriety. He was one of those whose winning manners and suave temperament always attracted others to him and made him popular among members.

I am sure, the sympathy of all would go to the Congress party for their having lost two of their valued members as a result of the recent unfortunate railway accident.

I understand that, in view of these successive deaths, it is the desire of some members, especially of the Opposition, to speak a few words on this occasion. I desire, therefore, to give them this opportunity before putting the resolution to the House.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I rise to associate myself with every thing that has fallen from you. Mr. Bannerjee was such a good friend to me that it is difficult for me to express in words how I miss him. He was a stalwart fighter in the cause of India's freedom. He rendered very good services to the cause of this country. He was so popular that in election he could be

successful even against millionaires, though he himself could hardly spend much money. He was very popular in the district of Dacca and throughout Bengal for his Congress activities. Even when it was my misfortune to cease connection with the Congress, so far as Mr. Bannerjee was concerned, he maintained his old friendship with me. I can claim his friendship for the last quarter of a century, during which time I always found him to be a very sincere and patriotic gentleman. May his soul rest in peace! I suggest, Sir, that you would convey our message of sympathy to the bereaved family for his sudden death.

Mr. JOCESH CHANDRA GUPTA: Mr. Speaker, Sir, the Opposition has within the last month suffered the loss of three of its members, and it is a poignant thing also to note that all these three belonged to Dacca. We lost Khan Bahadur Syed Abdul Hafiz, who was snatched away from us by illness at a moment when none of us thought that his end was so near. An accident has again taken away from us two of our most valuable members. In Mr. Birendra Nath Mazumdar the Congress lost one of the stoutest champions in its fight for the salvation of India. We expected that though Mr. Manoranjan Bannerjee had received a severe injury, Providence would yet spare him. When I visited him at the hospital soon after his removal, he was able to talk. He communicated to me the sad news of the death of Mr. Birendra Nath Mazumdar. He complained of a pain which he could not locate at that time, but we all expected that he would survive. But the hand of Death has cruelly snatched him away from us. He died and his children who were away at Dacca could not be present by his bed-side. It was a heart-rending scene to see his wife arriving after his death. She never expected it. She was weeping and said: "He was to return in about a week's time; who knew, when he came to shoulder the responsibilities of the Legislative Assembly, that he would go away from me and the children, never to return". Words fail me to give an adequate expression to the sense of loss and sorrow that we the members of the Opposition feel on this occasion. All that I can say is, if sorrow shared is sorrow less, let the relations of the bereaved gentlemen know that we all keenly share the loss which they have sustained. May their souls rest in peace!

With these words, Sir, I associate myself with the motion before the House.

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir, we are really very sorry that within a very short spell of time, during which the Assembly has met, we have lost three of our valued members. You

have already mentioned about the death of Khan Bahadur Syed Abdul Hafiz, who was a member and the Deputy Leader of my party. Thereafter two of the members of the Congress party have suffered death. It is very unfortunate, being an accidental affair. Sir, everybody knows how the accident took place and how of the two members, who sustained severe injuries, one died instantaneously, and the other Manoranjan Babu, who was in the hospital, died last night. When I went to see him I thought he was sleeping, because only recently I had been to Dacca I heard that all of them had left for Calcutta together. Sir, we do not know when summons would come to us, but in this world it is really very painful if the pangs of sorrow come at a time when it is least expected. It is quite true that death will snatch away every one from this world, and that nobody will be spared. But when it happens accidentally, it is very painful. I have nothing more to say, Sir, except that I knew these two gentlemen very well from 1920, when I began my political career. Thereafter, Sir, we have worked together shoulder to shoulder with Birendra Babu and Manoranjan Babu, as has already said by the Hon'ble Mr. Nalin Ranjan Sarker. Both of them were courteous and amiable gentlemen and good friends, and I am sure everybody in this House, who knew both of them, will say that as friends in social life, certainly they were two brilliant workers and perfect gentlemen, although while in the Opposition we might say harsh words to our opponents. I really feel, Sir, that their deaths have been painful not only to their families but to us also.

With these words, Sir, I express the views of my party and I share the sorrow, and wish you, Sir, to convey our sincere and deepest condolence to the members of the bereaved family.

Mr. JATINDRA NATH BASU: Mr. Speaker, Sir, on behalf of the group to which I belong, I associate myself wholeheartedly with what has fallen from the previous speakers.

Sir, as has been pointed out by Mr. Shamsuddin Ahmed, it causes a great wrench if death comes to one in the way that it came to Mr. Birendra Nath Mazumdar and Mr. Manoranjan Bannerjee. They have been snatched away when their departure from their sphere of work was not at all expected.

Sir, it may be that my group differed from the group to which he belonged in various matters regarding the work of this House, but it was a pleasure to have a clean and straight opponent. A clean and straight opponent is as respected and loved as a colleague. We are sorry to lose such a valued member of this House.

Sir, we associate ourselves with the expression of grief and of condolence to the bereaved family.

• **Mr. HEM CHANDRA NASKER:** Mr. Speaker, Sir, I join my voice with the previous speakers, and on behalf of my group I express my grief at the sad death of Mr. Bannerjee. May his soul rest in peace! I hope that a letter of condolence will be sent to the bereaved family.

Mr. J. W. CHIPPENDALE: Mr. Speaker, Sir, on behalf of the Anglo-Indian group, I beg to associate myself with all that has been said by you and the other members of this House. We knew the two gentlemen, who were very keen members of this Assembly, and we are sorry that death has come to them so suddenly. Sir, their end was very tragic. Our hearts go out in sympathy and sorrow to those who are no more. It reminds me that in the midst of life we are in death. Sir, we express our sorrow and sympathy to the bereaved families in this great calamity.

Mr. W. C. WORDSWORTH: Mr. Speaker, Sir, this group wishes to associate itself with all that you have said from the Chair and with all the expressions of regret that the other members have uttered. We knew our two dead friends as fine fighters for their opinions and as valiant workers for their group and as men who had done great service and were doing good work for the general welfare of Bengal. The European group associates itself with the expression of sympathy and grief by the other members of this House.

Mr. SPEAKER: I am sure that it is the desire of the House to send a message of condolence to the members of the bereaved family. I shall now ask the members of the House to rise in their seats to signify their assent.

(All the members rose in their seats.)

Thank you, gentlemen.

I might say that His Excellency the Governor has also sent a message of condolence on the sad death of Mr. Banerjee, to be conveyed to the bereaved family.

Following the practice which we have been hitherto following, it is our duty to adjourn now. But before I do so, I might say that, in view of the fact that to-day was fixed for non-official resolutions and to-morrow for non-official Bills and also in view of the fact that we have had non-official Bills already, I think it is the desire of the House to take up non-official resolutions to-morrow instead of non-official Bills. (Turning to Mr. Jogesh Chandra Gupta) do you agree to that?

Mr. JOGESH CHANDRA GUPTA: Sir, I agree that we shall have resolutions to-morrow, but I have a suggestion to make for your consideration, and it is this: if we take up resolutions to-morrow, the non-official Bills will all be—what I should say—massacred, unless half an hour is allotted for the purpose of introducing Bills only, without having any discussion as regards circulation, etc.

Mr. SPEAKER: I shall consider that point later. But to-morrow we shall take up non-official resolutions first.

Adjournment.

The House was then adjourned till 4-45 p.m. on Thursday, the 20th of April, 1939, at the Assembly House, Calcutta.

**Proceedings of the Bengal Legislative Assembly assembled
under the provisions of the Government of India Act, 1935.**

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 20th April, 1939, at 4.45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, I.C.S.) in the Chair, 11 Hon'ble Ministers and 213 members.

Oath or Affirmation.

The following members made the oath or affirmation of their allegiance to the Crown:—

(1) Mr. F. H. French (elected from the Bengal Chamber of Commerce)

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I know if this gentleman has been elected as a result of the notification circulated on Saturday in accordance with which day before yesterday was the last day for scrutiny—

Mr. SPEAKER: So far as this matter is concerned, I have no jurisdiction and I cannot take cognisance of it except that I am communicating the order of the returning officer that he has been elected.

(2) Mr. C. W. Miles (elected from the Indian Tea Association)

STARRED QUESTIONS

(to which oral answers were given)

Government subsidy to the Bengal Provincial Co-operative Bank.

*353. **Mr. HARENDRA NATH DOLUI:** (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact that an annual subsidy of two lakhs of rupees is being paid by the Government to the Bengal Provincial Co-operative Bank, Limited?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the purpose for which the subsidy is being given to this Bank?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (a) Yes.

(b) The hon'ble member is referred to the record of proceedings in the Legislative Council, dated the 3rd December, 1936, and also to the official report of the Assembly proceedings, dated the 2nd September, 1937, last.

Mr. SATYA PRIYA BANERJI: With reference to (b), after looking up the proceedings referred to, I find that the purpose of the subsidy has been the remission of arrear interest and the reduction of rate of interest. Will the Hon'ble Minister be pleased to state how much arrear interest has been remitted till the 29th June, 1938?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All that I can say is that arrear interest has been remitted, but for the exact figure, I must ask for notice.

Mr. SATYA PRIYA BANERJI: Will the Hon'ble Minister be pleased to state what has been the reduction in the rate of interest?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: For that also I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state which particular portion of the proceedings of the Legislative Council of 3rd December, 1936, is referred to, as it is not one of the documents which is readily available to the members of this House?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It refers to the debate that was raised on this question before the late Bengal Legislative Council.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state exactly what is that? It is a question of privilege. For some time past, the Hon'ble Minister has been answering questions in this fashion. He refers to some sort of documents either available or not available to the members. I would like to know to what particular portion of the debate he refers. It is very unfair to answer questions in this fashion.

Mr. SPEAKER: All I can say is that the Hon'ble Minister will be perfectly justified to refer to official reports of this Assembly. But I do not think it is correct constitutional procedure to refer to proceedings of another House.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am not referring to another House, but I am referring to the late Bengal Legislative Council.

Search of the District Congress "Praja Office" at Rangpur.

***354. Mr. JATINDRA NATH CHAKRABARTY:** (a) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(i) that the District Congress "Praja Office" at Rangpur was searched on the 4th March, 1939; and

(ii) that about 600 copies of a Bengali publication ("Bartaman Rajnaitik Sankat O Mussalmander Kartyabba") by Mr. Md. Ehsanul Haque Effendi have been seized by the local police under the orders of the District Magistrate?

(b) Have the Government banned the said book?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) the date of the notification; and

(ii) the objectionable portion for which the book has been banned?

(d) If the book is not banned, will the Hon'ble Minister be pleased to state what is the reason for which the search was made and the books were seized?

MINISTER in charge of the HOME (POLICE) DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) Yes

(b) No.

(c) Does not arise.

(d) Because the book was believed to contain matter which falls within the purview of sections 124A and 153A of the Indian Penal Code.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state what made him believe that the book contains matter which falls within the purview of sections 124A and 153A of the Indian Penal Code?

The Hon'ble Khwaja Sir NAZIMUDDIN: Information received was to that effect.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether the book was placed before the Advocate-General before it was seized?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, we cannot place it before the Advocate-General until it is seized.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if he has himself read the book?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if the book was examined after it had been seized?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is being examined now.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many copies of the book are required to be seized in order to be examined by the Advocate-General?

The Hon'ble Khwaja Sir NAZIMUDDIN: All the copies were seized. If the book is found to come within the purview of the relevant sections they will be seized permanently; otherwise they will be returned.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that at the present moment the copies of the book have been seized and kept in custody of Government not in accordance with any law?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state by virtue of what law Government keep in their possession, by force, a number of books which have not been banned or which do not come within the purview of any section of any existing law which gives Government power to seize and keep them in their possession?

The Hon'ble Khwaja Sir NAZIMUDDIN: They have been taken possession of under the relevant sections of the Act.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state what are the relevant sections of the Act which enable the Government to take possession of books, the nature of which has not been ascertained?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. ATUL KRISHNA CHOSE: Will the Hon'ble Minister be pleased to state when that particular book was published and when it was seized?

Mr. SPEAKER: As regards the last portion, it does not arise, because it is in the question itself.

Mr. ATUL KRISHNA CHOSE: Is the Hon'ble Minister aware of the fact that publication of every book requires notification to the Government during one month's time?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that.

Mr. ATUL KRISHNA CHOSE: Will the Hon'ble Minister be pleased to state if any notification was given by the publisher or printer of that book?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am aware, it was not given.

Mr. ATUL KRISHNA CHOSE: According to the Press Act, every printer or publisher is bound to send a copy of any book published to the Registration Office at Writers' Buildings within one month of its publication. Now, Sir, my question is if more than one month has elapsed from the date of publication, then the Government must have ample opportunity to examine the book and come to a definite decision as to whether the book is to be proscribed or seized or treated in any other way. Under the circumstances, what justification have Government got to seize the book, and that is why I have asked for the date of publication and the seizure of the book.

The Hon'ble Khwaja Sir NAZIMUDDIN: These are all arguments and not asking any question.

Mr. SPEAKER: But you may answer when it was published.

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state what is the source of his information which led him to seize the book?

The Hon'ble Khwaja Sir NAZIMUDDIN: I regret I cannot disclose the source of the information on grounds of public policy.

Police search for a leaflet "Bartaman Rajnaitik Sankat O Mussalmander Kartyabba" by Mr. Md. Ehsanul Haque Effendi of Domar, Rangpur.

***355. Babu KHACENDRA NATH DAS GUPTA:** (a) Is the Hon'ble Minister in charge of the Home Department aware—

(i) that very recently the District Congress Office, the District Krishak Office and the Kalikrishna Machine Press of Rangpur were searched for a booklet "Bartaman Rajnaitik Sankat O Mussalmander Kartyabba" written by Mr. Md. Ehsanul Haque Effendi of Domar, Rangpur; and

(ii) that all the copies of the booklet found during the searches were taken away by the Police?

(b) Has the aforesaid booklet been proscribed by the Government?

(c) If the answer to (b) is in the negative, will the Hon'ble Minister be pleased to state what was the reason for taking away all the copies of the booklet from the said offices?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes.

(b) No.

(c) Because the booklet was believed to contain matter which falls within the purview of sections 124A and 153A of the Indian Penal Code.

Babu NACENDRA NATH SEN: With reference to answer (c), will the Hon'ble Minister be pleased to state by whom was it so believed?

The Hon'ble Khwaja Sir NAZIMUDDIN: Believed by Government.

Poundra Kshatriya.

***356. Mr. NIKUNJA BEHARI MAITI:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether, since the answer given by the Hon'ble Minister in charge of the Revenue Department to starred question No. 92 on the 3rd September, 1937, his department has received any petition enclosing the opinion of the Poundra Kshatriya caste praying for the adoption by Government of the name "Poundra Kshatriya" in place of "Pod"?

(b) If so, will the Hon'ble Minister be pleased to lay on the table a copy of the said petition?

(c) What action, if any, has been taken on it?

(d) Has any formal notification been issued instructing that the above community should be mentioned in all documents and correspondences as "Poundra Kshatriya"?

(e) If the answer to (d) is in the negative, is the Hon'ble Minister considering the desirability of—

(i) coming to an early decision; and

(ii) notifying their said decision?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) to (c) Two such petitions have been received by Government and copies thereof are laid on the table. An amendment of the Government of India (Scheduled Castes) Order, 1936, would be necessary to effect the change and His Majesty's Government have already been moved in the matter through the Government of India. A reply is awaited.

(d) No.

(e) Vide answer to (a), (b) and (c) above.

*Petitions referred to in the reply to clause (b) of starred question —
No. 356.*

Calcutta, the 25th February, 1938.

From—Mr. Patiram Roy, M.L.A., 5K, Middle Road, Entally,
Calcutta,

To—The Hon'ble Sir Bijoy Prasad Singh Roy, K.T., Minister
in charge of the Revenue Department, Government of
Bengal.

I on behalf of the "Poundra Kshatriya" community of Bengal have the honour to request your kind attention to the starred question No. 67 under the heading "Designation of 'Pod' in the list of Scheduled Castes" which came up in the current session of the Bengal Legislative Assembly House on 23rd February last. In reply to the supplementary questions which were put in connection with this on the floor of the House you kindly consented that you had no objection to using the name "Poundra Kshatriya" in supersession of all other additional names used to represent the community.

I, therefore, have the honour to request you to be so good as to issue a public circular asking the officials concerned to see that the name may be safely used in the office of the Sub-Registrars, in the preparation

of the voters' list in the various Union Boards, Local Boards, District Boards, Municipalities, Provincial and Central Assemblies, in the ensuing census list and on all occasions and institutions where the mention of the caste name is necessary.

For this act of kindness I shall always feel myself obliged.

I beg to further request you that I may be supplied with the memo. copy of the circular that you would be pleased to issue.

Thanking you in anticipation.

No. 23-O, dated Calcutta, the 8th April, 1938.

From—Mr. Patiram Roy, M.L.A., 5K, Middle Road, Entally, Calcutta;

To—The Hon'ble Minister in charge of the Home (Political) Department of the Government of Bengal.

In reply to my question (starred question No. 67) that was put on 23rd February last on the floor of the Bengal Legislative Assembly regarding the change in the name of the community described as "Pod" in the list of the Scheduled Castes, for "Poundra Kshatriya" the Hon'ble Minister in charge of the Revenue Department gave me assurance that the Government would certainly have no objection in using the word "Poundra Kshatriya". Accordingly in my letter No. 19-O, dated Calcutta, the 25th February, and in the subsequent reminder No. 21-O, dated Calcutta, the 12th March last, I requested the Hon'ble Minister to issue a public circular asking the officials to see that the name might be safely used in all official and non-official concerns.

It is reliably known that the issuing of such circulars depends on the consent of the Hon'ble Minister in charge of the Home (Political) Department.

So, it is my earnest request on behalf of my community that you would be pleased to give necessary consent in the matter that a circular may be issued by the Hon'ble the Revenue Minister for using the name "Poundra Kshatriya" in all official and non-official concerns.

For this generosity and favour showing, the Poundra Kshatriya community will ever stand grateful to you. Thanking you in anticipation.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if Government will expedite the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly, Sir. We are trying our level best.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if Government will allow the name in the registration of documents which is a provincial subject?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I know, it is not possible; I will look into this matter.

Holders of Imperial, Provincial and Subordinate Services in Bengal.

***357. Mr. A. M. A. ZAMAN:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (a) how many Imperial, Provincial and Subordinate service holders are there in the Bengal Government;
- (b) how many of these service holders are Muhammadans;
- (c) how many of the Muhammadan service holders are Urdu speaking;
- (d) how many of the Muhammadan service holders are Bengali speaking; and
- (e) whether the Muhammadans have reached their quota in accordance with their proportional population strength?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) to (d) Such information as is readily available will be found in the current edition of the Bengal Civil List. The full details asked for by the hon'ble member involve in their compilation a degree of time and labour which I regret I am not prepared to undertake.

(e) No.

Petty Police cases in Calcutta due to the arrest of hawkers, rickshaw-pullers, etc.

***358. Dr. SURESH CHANDRA BANERJEE:** (a) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact that a number of hawkers, rickshaw-pullers and cart-drivers are arrested in Calcutta and suburbs and petty cases are instituted against them?

(b) If so—

- (i) how many hawkers, rickshaw-pullers and bullock cart drivers were arrested during the year 1938-39; and
- (ii) against how many of them petty cases were instituted in the various Police Courts of Calcutta?

(c) Will the Hon'ble Minister be further pleased to state whether he is aware that the police allow a number of persons to carry on business by spreading their wares on the pavements of the various streets of Calcutta where a number of people collect and thereby cause obstruction to pedestrians?

(d) If the answer to (c) be in the affirmative, is the Hon'ble Minister considering the desirability of—

(i) inquiring into the matter; and

(ii) laying a copy of the enquiry report on the table?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes.

(b) (i) 38,816 hawkers, 16,379 rickshaw-pullers and 8,104 bullock cart drivers were arrested during 1938.

(ii) 38,805 hawkers, 16,378 rickshaw-pullers and 8,104 bullock cart drivers.

(c) No.

(d) Does not arise.

Mr. SIBNATH BANERJEE: With reference to answer (c), will the Hon'ble Minister be pleased to state whether the Hon'ble Minister himself goes about the streets of Calcutta with his eyes shut or with his eyes open?

Mr. SPEAKER: That question does not arise.

*359. The question stood in the name of the late Mr. Manoranjan Banerjee and was taken out of the list.

Enquiry Committees (during 1937-38 and 1938-39).

*360. **Mr. MAQBUL HOSAIN:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(a) the number of Enquiry Committees that have been formed in the years 1937-38 and 1938-39, separately; and

(b) the names of members of the different Committees showing the amount drawn by each of them up to the 10th March, 1939?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (a) Two in the year 1937-38 and 16 in the year 1938-39.

(b) A statement showing the names of the Committees, the number of members in each and the amounts in lump paid to the members of each up to 10th March, 1939, is laid on the table. A further statement

giving the names of members of the various Committees is placed on the Library table. The collection of further details would involve an expenditure of time and labour which I am reluctant to set in train.

Statement referred to in the reply to clause (ii) to starred question No. 360 showing details of the Enquiry Committees set up during 1937-38 and 1938-39.

Name of the Enquiry Committee.	Number of members.	Amount in lump paid to all the members up to 10th March, 1939.		
		Rs.	a.	p.
1. Damodar Canal Enquiry Committee ..	18	1,156	7	0
2. Board of Conciliation to investigate the trade dispute between Messrs. Burn & Co., Managing Agents of the Indian Iron & Steel Co., Ltd., and the workmen of the said Company.	3	6,314	8	0
3. West Bengal Forest Committee ..	14	Nil		
4. Jute Enquiry Committee ..	23	4,917	0	0
5. Paddy and Rice Enquiry Committee ..	24	5,571	0	0
6. Industrial Survey Committee ..	14	221	8	0
7. Chaukidari Enquiry Committee ..	20	9,933	7	0
8. Advisory Committee to examine the cases of terrorist convicts.	9	353	9	0
9. Rent Enquiry Committee ..	20	2,672	8	0
10. Non-Agricultural Lands Committee ..	14	Nil		
11. Primary and Adult Education Committee ..	25	Nil		
12. Madrassah Education Committee ..	17	2,165	0	0
13. Scheduled Castes Education Committee ..	15	1,508	0	0
14. Youth Welfare Committee ..	9	1,843	0	0
15. Ahsanullah School of Engineering Reorganisation Committee.	10	Nil		
16. Government Commercial Institute Reorganisation Committee.	15	Nil		
17. Committee appointed to examine what places other than Majdi are suitable for selection as the new headquarters station of the Noakhali district.	15	611	11	0
18. Land Revenue Commission ..	11	50,909	12	6

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state how is it that one of these committees does not contain any members of this Assembly?

The Hon'ble Mr. NALINI RANJAN SARKER: I cannot give answer to that. It is not in my possession.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state why the Revenue Commission does not contain more than one M.L.A.?

The Hon'ble Mr. NALINI RANJAN SARKER: The information is not in my possession.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state why in two other committees there is only one M.L.A.?

Mr. SPEAKER: That question does not arise.

Mymensingh District Agricultural Farm.

***361. Maulvi ABDUL HAKIM:** (a) Will the Hon'ble Minister in charge of the Agriculture and Veterinary Department be pleased to state—

(i) the arable area in acres in the District Agricultural Farm at Mymensingh; and

(ii) the kinds of crops grown in the aforesaid farm during a whole agricultural (financial) year?

(b) Will the Hon'ble Minister be pleased to lay on the table a statement showing, year by year, for years 1935-36, 1936-37 and 1937-38—

(i) the gross income from all crops grown in the farm;

(ii) the cost of production excluding the expenditure of pay of officers and office establishment;

(iii) the area of the farm in which jute was grown;

(iv) the quantity of jute produced in this area;

(v) the area of the farm in which paddy (both *aman* and *aus*) was grown; and

(vi) the quantity of paddy produced in the said area?

(c) Will the Hon'ble Minister be pleased to state—

(i) whether manure was used in each year during the years 1935-36, 1936-37 and 1937-38 in the aforesaid farm for the cultivation of both jute and paddy crops;

(ii) if so, what sort of manure was used;

(iii) what was the cost of manure in each year;

(iv) whether sugarcane was grown in the said farm;

- (v) what was the gross yield and sale-proceeds of the sugarcane in each year;
- (vi) what was the area of the sugarcane cultivation; and
- (vii) the cost of production in each of the said years? "
- (d) What is the nature of the arable land in the aforesaid farm, i.e., whether mainland or *char* (riparian) land?

MINISTER in charge of the AGRICULTURE and VETERINARY DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) (i) 14 acres.

(ii) *Aus* paddy, *aman* paddy, jute, sugarcane, mustard, *khasari*, *masur*, gram, *matihari* tobacco, English vegetables, potato, ground-nut and *pusa* wheat, oats, cowpea, maize, napier grass, *jowar*, sunhemp.

(b) (i) to (vi) and (c) (iii), (v) to (vi) A statement is placed on the table.

(c) (i) Yes.

(ii) Cowdung and artificial farmyard manure.

(iv) Yes.

(d) Mainland.

Statement referred to in the reply to clauses (b)(i) to (vi) and (c) (iii), (v) to (vi) to starred question No. 361 regarding Mymensingh District Agricultural Farm.

	1935-36.	1936-37.	1937-38.
Gross income from all crops ..	Rs. 1,255	Rs. 1,454	Rs. 1,015
Cost of production of the crops excluding the expenditure of pay of officers and office establishment ..	Rs. 1,395	Rs. 1,240	Rs. 1,230
Area of jute grown ..	1.20 acres	.54 acres	.60 acres
Quantity of jute grown ..	10 mds. 26 srs.	9 mds. 20 srs.	8 mds. 34 srs.
Area of paddy (both <i>aman</i> and <i>aus</i>) grown ..	12.30 acres	13.65 acres	15.73 acres
Quantity of paddy grown ..	171 mds. 6 srs.	221 mds. 2 srs.	216 mds. 12 srs.
Cost of manure ..	Rs. 41.4	Rs. 43	Rs. 47.10
Gross yield and sale-proceeds of sugarcane—			
<i>Raw</i> ..	84 mds. 20 srs.	67 mds. 25 srs.	25 mds. 8 srs.
Cuttings ..	10,850	8,400	10,000
Sale-proceeds ..	Rs. 365	Rs. 241	Rs. 132
Area of sugarcane ..	1.05 acres	1.05 acres	.80 acres
Cost of production of sugarcane ..	Rs. 255	Rs. 227	Rs. 170.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state the cost of production including the expenditure on the pay of officers?

The Hon'ble Mr. TAMIZUDDIN KHAN: I cannot say offhand; I want notice.

Jhenida Co-operative Bank, Jessore.

***362. Khan Bahadur Maulana AHMED ALI ENAYETPURI:** (a) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that since the coming into operation of the Bengal Agricultural Debtors Act in the Jessore district the agriculturists are not getting short-term loans from the village *mahajans*?

(b) Have the Government received proposals of the Secretary to the Jhenida Co-operative Bank for giving advances to the agriculturists of the Jhenida subdivision through their banks?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state what sum, if any, has been allotted by the Co-operative Department for such advances?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (a) Yes.

(b) No: the Provincial Bank has received an application.

(c) The Provincial Bank has sanctioned a loan of Rs. 6,000.

Construction of a model village at Haduatala, Malda.

***363. Mr. ATUL CHANDRA KUMAR:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(a) what amount was sanctioned for the construction of a model village at Haduatala in police-station Manikchak in the district of Malda;

(b) what is the number of quarters that has been built up so far;

(c) how many of these quarters are occupied by the inhabitants of Bhutni or other places;

(d) what is the amount sanctioned for a quarter; and

(e) whether the quarters were examined by the authorities before the final bill of the contractor was paid?

• MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) Rs. 11,947.

(b) 168.

(c) All the quarters were occupied till November last. In December most of the tenants left for Bhutni for cultivating *kalai* crop. Only 15 families are now residing in their new quarters. Those who left their quarters are expected to return to the new quarters in July next before the advent of the flood in the Ganges.

(d) Rs. 94 and Rs. 48 were sanctioned for the different pattern of quarters and Rs. 17 and Rs. 10 for the different pattern of kitchens.

(e) Yes.

Grant to the Serajganj Islamic Intermediate College Madrassah.

***364. Mr. ABDUR RASCHID MAHMOOD:** (a) Has the attention of the Hon'ble Minister in charge of the Education Department been drawn to the proposal for an additional monthly grant-in-aid to the Serajganj Islamic Intermediate College Madrassah?

(b) If the answer to (a) is in the affirmative, for how long the proposal is lying pending with the Government?

(c) Do the Government contemplate any action on the proposal?

(d) If so, when?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): Yes, in September, 1937, the Director of Public Instruction submitted to Government a proposal for an additional grant of Rs. 545 per month or a total grant of Rs. 915 per month to be given to this institution during 1938-39 against a contribution of Rs. 605 only from private sources. The proposal has not been approved by Government, but an additional grant of Rs. 130 per month or a total grant of Rs. 500 per month has been sanctioned to this institution during 1938-39 on the basis of fee income amounting to Rs. 500 per month, approximately.

Raising of price of paddy.

***365. Mr. NIKUNJA BEHARI MAITI:** (a) Has the attention of the Hon'ble Minister in charge of the Agriculture and Veterinary Department been drawn to the demand in the province for taking steps by Government to increase the price of paddy?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, does he propose to take in the matter?

The Hon'ble Mr. TAMIZUDDIN KHAN: (a) Yes.

(b) A Committee has been appointed to investigate the question of improving the price of paddy and rice and to make recommendations in the matter. Their report is awaited.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state by which time the committee is likely to conclude its labour?

The Hon'ble Mr. TAMIZUDDIN KHAN: By June next.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state what opinion the Government hold in regard to the usual price of paddy and rice?

Mr. SPEAKER: That is a matter of opinion.

Measures against malaria, kala-azar, etc., in Mymensingh.

***366. Mr. BIRENDRA KISHORE RAY CHOUDHURY:** Will the Hon'ble Minister in charge of the Public Health Department be pleased to state what steps the Municipalities and the District Board have taken to counteract the development of malaria, kala-azar, cholera and smallpox in the district of Mymensingh?

MINISTER in charge of the PUBLIC HEALTH DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): A statement showing the precautionary measures which were taken by both District Board and Municipalities to counteract the spread of the diseases is laid on the Library table.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether any Government scheme for the control of malaria and kala-azar with regard to the district of Mymensingh is under execution?

The Hon'ble Mr. TAMIZUDDIN KHAN: How does that question arise? This is about what steps the district boards and municipalities are going to take.

Mr. SPEAKER: I think that question does not arise.

Mr. CHARU CHANDRA ROY: মানবীর স্বাস্থ্যের কিসে করা কোরে যোগদেব ম্যাজেরিয়া ও কালাজার সম্পর্কে কি কি steps নেওয়া হইয়াছে?

The Hon'ble Mr. TAMIZUDDIN KHAN: I refer the honourable member to the statement on the Library table where all details have been given.

Mr. CHARU CHANDRA ROY: I submit, Sir, that it is written in the statement on the library table that steps have been taken. Will the Hon'ble Minister be pleased to state what steps have been taken?

Mr. SPEAKER: I might say that it was with a great deal of reluctance that this question was admitted. The matter is really within the administrative control of local bodies. It is only relevant in so far as something of a provincial complexion is there. To what extent the Provincial Government has control is a subject matter for discussion. Otherwise what the anti-malarial societies or what the district boards are doing it is not for this House to discuss, except in a general way.

Mr. CHARU CHANDRA ROY: Step সম্বন্ধে Government grant দেওয়া হয়েছে কিন্দু কি কি steps নেওয়া হয়েছে মশ্রীমহাশয় অনুগ্রহ কোরে বলতে পারেন?

The Hon'ble Mr. TAMIZUDDIN KHAN: A full statement is laid on the Library table. I think my honourable friend is labouring under a misapprehension. If further facts are necessary, they can be enquired into and stated later on.

Mr. CHARU CHANDRA ROY: Step সম্বন্ধে এক জারনাল লেখা আছে এটি-ম্যানেজরিয়াল, ইনস্পেকশন, এই জিনিষটী কি মশ্রীমহাশয় অনুগ্রহ কোরে বুঝিয়ে বোঝাবেন?

Mr. SPEAKER: That question does not arise.

Employment Officer, Bengal.

***367. Maulvi MD. ABDUL HAKIM VIKRAMPURI:** Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

- (a) the name of the Government Employment Officer;
- (b) the name and address of his office;
- (c) the works done up to date by this officer and his office,
- (d) the ways and means in which the unemployment problem is being tackled by that officer,
- (e) the number of unemployed Muslims, Caste Hindus, Scheduled Castes, Christians and others employed up to the present time on the recommendations and suggestions of the employment officer; and
- (f) the amount of money spent by the Government for the establishment, upkeep and pay of the staff, etc., upto now?

MINISTER in charge of the LOCAL SELF-GOVERNMENT and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) Dr. Nabagopal Das, PH.D., I.C.S.

(b) Office of the Employment Adviser to the Government of Bengal, Gillanders' House, Top floor, 8, Clive Street, Calcutta.

(c) and (d) A statement is placed on the table.

(e) It will be seen from the statement referred to above that in addition to the preparation of handbooks giving details of the opportunities for employment in the various departments of the Governments of India and Bengal and in semi-Government institutions such as Railways, Steamer Companies, District Boards and Municipalities and also in the various branches of trade and commerce in the province, the Employment Adviser is generally giving advice to individuals seeking employment with a view to put them on the right track and not actually to secure employment for individuals. The object of his appointment is to place at the disposal of young men and their guardians detailed information regarding the existing opportunities of employment in various spheres so that they may select the right line for them and obtain the training required for employment in the line selected by them instead of wasting their money, time and energy in education and training to dead ends. It is impossible for Government to take the responsibility for actually securing employment for all persons seeking it. The best that they can do is to give them the information regarding the opportunities for employment and guidance in the selection of the spheres of employment suitable for them and in respect of the training they have to obtain and the line on which they have to proceed for securing such employment. This is what the Employment Adviser is doing.

(f) Including the pay of the Employment Adviser, Rs. 12,450 approximately.

Statement referred to in the reply to clauses (c) and (d) to starred question No. 367, showing the work done by the Employment Adviser.

The post of the Employment Adviser was sanctioned for one year with effect from the 8th August, 1938. The duties that he was called upon to perform are as follows:—

- (1) Preparation of Handbook giving details of opportunities of employment in the various departments of the Governments of India and Bengal and in semi-Government institutions such as Railways, Steamer Companies, District Boards and Municipalities, etc.

- (2) Preparation of another Handbook giving details of opportunities of employment in the various branches of industry, trade and commerce in this province.
- (3) Sending information regarding new recruitments in Government departments, semi-Government institutions to the two Universities and appropriate institutions.
- (4) Generally giving advice to individuals seeking employment with a view to put them on the right track.

The Employment Adviser has been carrying on his duties under (3) and (4) above and has completed the draft of the Handbook under (1) which is expected to be printed soon. He has also undertaken the preparation of the Handbook under (2) above and fairly complete data have already been collected for one or two industries. It is in contemplation that along with the preparation of this Handbook, he should also undertake the collection of figures of middle class unemployment in Bengal with special reference to age, duration of unemployment and educational qualifications, etc., which will be of assistance in tackling the unemployment problem in the provinces on a more scientific basis.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state when did the work of drafting this handbook commence.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It has already commenced.

Mr. SURENDRA NATH BISWAS: How many months before?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I could not give the exact date.

Mr. SURENDRA NATH BISWAS: The Hon'ble Minister has stated in the statement, "preparation of handbook giving details of opportunities of employment in the various departments of the Governments of India and Bengal and in semi-Government institutions, such as railways, steamer companies, district boards, and municipalities, etc." Will the Hon'ble Minister be pleased to state whether these opportunities of employment include vacancies that have occurred in various departments of Government and in semi-Government institutions?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As the vacancies are advertised in all the papers, Government do not think it necessary—

• **Mr. SURENDRA NATH BISWAS:** I want to know whether the opportunities of employment include vacancies.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Vacancies in all these other institutions, but not Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that this Employment Adviser* was originally required to collect approximately the unemployment statistics in this province?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: He is doing that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how far that work of this Employment Adviser has progressed, i.e., the collection of unemployment statistics, particularly of the middle class?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice to give a full reply.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the number of persons to whom advice has been given as mentioned in reply (c)?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to state whether the Employment Adviser renders practical assistance to individuals seeking employment so that it might be possible for them to get employment easily instead of merely giving them oral advice?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That is a request for action, Sir. I have already stated that the Employment Adviser is not meant for that purpose.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the Calcutta University maintains a department for such work as has been mentioned by him in answer (c) and that for a number of years there has been in existence also a Students' Information Bureau for helping such students as would require training abroad?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of that fact.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state what steps have been taken to collect figures of the unemployed?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: All necessary steps are being taken. I cannot answer in detail.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he has himself seen the draft of the handbook which has been prepared by the Employment Adviser?

Mr. SPEAKER: Not yet prepared.

Mr. SURENDRA NATH BISWAS: The draft has been completed, and it is expected to be printed soon. I want to know whether the Hon'ble Minister has seen the draft.

Mr. SPEAKER: That question does not arise here.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what are the details of opportunities (which have been referred to in the answer) included in the draft?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in view of his answer to my question regarding the Calcutta University Appointment Bureau if Government is considering the desirability of examining whether this officer is not duplicating the functions already being carried out?

The Hon'ble Mr. A. K. FAZLUL HUQ: The Calcutta University is doing nothing.

Dr. NALINAKSHA SANYAL: I want the Hon'ble Minister in charge to reply to my question.

The Hon'ble Mr. A. K. FAZLUL HUQ: I can reply if necessary.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, can the Hon'ble the Chief Minister reply to my question?

Mr. SPEAKER: The Hon'ble Mr. Fazlul Huq will kindly not do it.

(Cries of "Hear, hear" from the Congress Benches.)

The Hon'ble Mr. A. K. FAZLUL HUQ: Mr. Speaker has not said that I cannot reply. He has asked me merely not to reply. I can reply if necessary. (Cries of "Order, order" from the Congress Benches.)

Mr. SPEAKER: Order, please. I hope that all sides of the House will help me in seeing that the proceedings are conducted in a manner by which there is no interruption. If there is an interruption from any side, then my task becomes very difficult.

Dr. NALINAKSHA SANYAL: My question, Sir, has not yet been answered by the Hon'ble Minister. My question is "whether the Government is considering the desirability of examining whether this officer is merely duplicating the work that is being carried on by the Information and Appointment Bureau of the Calcutta University and, if so, to discontinue this work."

Mr. SPEAKER: The latter part of your question does not arise.

Dr. NALINAKSHA SANYAL: Then the first part of the question may be answered.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: It has already been answered.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister consider the desirability of including the bottom class unemployed along with the middle class unemployed?

Mr. SPEAKER: That question does not arise.

Kazi EMDADUL HAQUE: In how many cases the advice of the Employment Officer has proved fruitful?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Mr. NISHITHA NATH KUNDU: Will it be possible for the Hon'ble Minister to give us some idea of the steps taken for collecting figures of the unemployed without going into details?

Mr. SPEAKER: How does that question arise?

Mr. NISHITHA NATH KUNDU: Sir, in reply to question of Mr. Banerjee as to what steps have been taken to collect figures regarding the unemployed, the Hon'ble Minister has said that he cannot give the details. I want to know whether he can give us some idea of the steps that have been taken?

Mr. SPEAKER: I am afraid, there cannot be any supplementary question of this kind.

Scheme to drain out Barachouka area, Midnapore.

***368. Mr. NIKUNJA BEHARI MAITI:** (a) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether since his answers to clauses (c) and (d) to starred question No. 340 on the 30th September, 1937, the scheme to drain out the Barachouka area, Midnapore, is complete and ready for execution?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the said scheme and estimate?

(c) If the scheme is not ready, are the Government considering the desirability of taking into consideration the proposal of a minor scheme suggested by the affected people for the construction of a sluice at Tikrapara in the Balighai drain and of two regulators at Fufala and Padkata, respectively?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar): (a) No. Further investigation reveals that the scheme referred to (Rasulpur Scheme) is a purely drainage scheme and that it will be of no help in raising the low land by siltation or in improving its productivity. By keeping out the tidal water it may also bring in malaria. It has therefore been dropped.

(b) Does not arise.

(c) The suggestion will be considered in connection with a minor flushing-cum-drainage scheme for Barachouka area which has recently been proposed by the Chief Engineer to the local people provided that they agree to free tidal flushing of the low bil area which has been prematurely reclaimed until it has been sufficiently raised by siltation.

Mr. NIKUNJA BEHARI MAITI: With reference to answer (c), will the Hon'ble Minister be pleased to state whether the minor flushing-cum-drainage scheme referred to has been completed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It has been taken up by the Chief Engineer lately, and we are awaiting a report as to whether the people would be agreeable to part with their lands required for spilling.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state with reference to answer (a) of the question whether the Government have given up all idea of undertaking purely drainage schemes and, if not, why this drainage scheme has been dropped?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Drainage schemes are generally discouraged by experts.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that there are drainage schemes in Bengal which are working satisfactorily, such as Manikhali and Dankuni Drainage Schemes?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is true, there are some such drainage schemes, but that is no reason why we should have more of them.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state whether the cost to be incurred in carrying out the flushing scheme will be borne by Government?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is still in a very premature stage, and so it is not possible for me to give any answer to the question.

Dr. NALINAKSHA SANYAL: With reference to the answer that no report has been received from the local people as to whether they would allow their lands to be taken over for spilling, will the Hon'ble Minister be pleased to state how many years are likely to be taken to get the lands silted up, as mentioned in the last sentence of his answer (c)?

Mr. SPEAKER: That is purely a matter for a geological expert to reply to.

Dr. NALINAKSHA SANYAL: Sir, I want to know only whether these lands will be taken over for five years or ten years; it cannot be eternally taken over without paying any compensation. That is my idea.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think, no body in this world can say how long it will take to silt up an area which is provided for spilling.

Dr. NALINAKSHA SANJAL: In view of this answer, how are Government proposing to compensate those tenants whose lands are proposed to be taken over?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid, we have not reached that stage to say whether the lands will be acquired by Government, or Government expect them to be given free.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state whether, as the question is hanging for over 30 years and as the scheme referred to in answer (a) which was first proposed by Mr. Adams-Williams and which has now been answered by the Hon'ble Minister has completely failed, he will depute a responsible engineer to see if the work can be expedited?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think no purpose will be served by sending any officer at this stage, but certainly necessary steps will be taken as the matter develops.

Special meeting of the Bankura Sadar Local Board.

***369. Mr. KAMALKRISHNA ROY:** (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

- (i) why was not the special meeting of the Sadar Local Board of Bankura district convened for electing delegates to the District Board held at the fixed time and place on the 20th April last; and
- (ii) at which place and at what time the said meeting was held?

(b) Is the Hon'ble Minister aware—

- (i) that the said special meeting was held an hour late;
- (ii) that Dr. Kali Krishna Mitra, a member of the Sadar Local Board, was not allowed to take part in that meeting; and
- (iii) that the Sadar Subdivisional Officer brought armed police force and posted them in the District Board office?

(c) Is the Hon'ble Minister considering the desirability of placing on the table copies of the legal opinion and the correspondence which passed between the District Magistrate, Bankura, the Commissioner of Burdwan Division and the Secretary, Local Self-Government Department, in the matter of election of the Sadar Circle Officer as a member of the Bankura District Board?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:

(a) The special meeting of the Sadar Local Board of Bankura convened for the purpose of electing delegates to the District Board was fixed to be held in the District Board Meeting Room at 7 a.m. on the 20th April, 1938. As the meeting room was found to be under lock and key and as the Chairman of the District Board refused to open the room for the purpose, the meeting commenced punctually at 7 a.m. on the verandah of the District Board building. Owing to noisy demonstrations by Congress volunteers and other outsiders it became impossible to hold the meeting on the verandah and the members had to go into the room of the Chairman of the Local Board to complete the proceedings.

(b) (i) and (ii) No.

(iii) The police had to be posted there merely to ensure the maintenance of peace by keeping the turbulent Congress volunteers at a distance from the place of the meeting.

(c) The legal opinion and the correspondence between the local officers and Government are confidential and I do not propose to lay copies of them on the table.

Mr. KAMALKRISHNA ROY: Will the Hon'ble Minister be pleased to state whether in view of answer (a), he thinks the change of venue to be a vital irregularity?

Mr. SPEAKER: That is a question of opinion.

Mr. KAMALKRISHNA ROY: Is the Hon'ble Minister aware of the fact that a change of venue without proper notice is a vital irregularity?

Mr. SPEAKER: That question does not arise.

Mr. SANTOSH KUMAR BASU: On whose report has the Hon'ble Minister characterised the Congress volunteers as "turbulent"?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
The District Magistrate.

Mr. SANTOSH KUMAR BASU: Will the report be available to the members of the Assembly for information?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No, it is confidential.

Srijut MANINDRA BHUSAN SINHA: Is it not a fact that the Chairman of the District Board gave another version of the incident stated here?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of that.

Srijut MANINDRA BHUSAN SINHA: Is it not a fact that the police who were posted at the office room of the Chairman of the Sadar Local Board interfered with the freedom of access of the members of the Sadar Local Board?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I do not think so.

Mr. SANTOSH KUMAR BASU: With regard to this last answer, is that answer also based on the report of the District Magistrate which is confidential?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: All correspondence between Government and local officers are confidential.

Srijut MANINDRA BHUSAN SINHA: Is it not a fact that no request was made to the Chairman of the District Board for the use of the District Board meeting room and that there was no mention in the notice convening the meeting about the venue of the meeting?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he has received a report from the Chairman of the District Board, and, if so, what is its gist?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Mr. KAMALKRISHNA ROY: Will the Hon'ble Minister be pleased to state what is the basis for his information given in answer (a)?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already stated that the information is based on the report from the District Magistrate.

Mr. KAMALKRISHNA ROY: Has the Hon'ble Minister gone through the contents of the proceedings of the Local Board?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already stated that I have gone through them, but the proceedings are confidential, and, therefore, I cannot state what the proceedings are.

Srijut MANINDRA BHUSAN SINHA: How can the proceedings of the Local Board be confidential?

(No reply.)

Mr. KAMALKRISHNA ROY: I want to know whether the Hon'ble Minister has gone through the minutes of the Local Board meeting. His answer is based on the report of the proceedings of the meeting of the Local Board concerned.

Mr. SPEAKER: That question does not arise. If you want any information you can ask him a question, but whether the Hon'ble Minister has gone through a particular paper or not is not the subject-matter of the original question.

Mr. KAMALKRISHNA ROY: My submission is that one of the members, namely, Dr. Kali Krishna Mitra, was not allowed to take part in the meeting, and in answer the Hon'ble Minister says "No". In the minutes of the proceedings it will be found that Dr. Kali Krishna Mitra was not allowed to take part in the meeting.

Mr. SPEAKER: You can ask a straight question, viz., is the Hon'ble Minister aware of the fact that it is stated in the report of the proceedings that Dr. Kali Krishna Mitra was not allowed to take part in the meeting.

(Turning to the Hon'ble Minister) Mr. Roy's question is whether the Hon'ble Minister is aware of the fact that in the report of the proceedings of the Local Board it is mentioned that Dr. Kali Krishna Mitra was not allowed to take part? (Dr. NALINAKSHA SANTAL: By the police.)

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of it.

Number of Debt Settlement Boards in police-station Itna, Mymensingh.

***370. Khan Sahib HAMIDUDDIN AHMAD:** (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state the names of the Debt Settlement Boards now functioning in police-station Itna within the district of Mymensingh?

(b) Will the Hon'ble Minister be pleased to lay on the table a statement showing from the formation of each of these Boards up to December, 1938—

- (i) the number of cases filed;
- (ii) the number of cases disposed of;
- (iii) the number of sittings called; and
- (iv) the number of sittings adjourned for want of quorum?

(c) If the number of cases disposed of by each Board is small, will the Hon'ble Minister be pleased to state the reason therefor?

(d) What is the monthly establishment costs of all these Boards?

(e) What step, if any, do the Government propose to take for better functioning of these Boards?

(f) Is it in the contemplation of Government to constitute thana Boards in backward areas?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (a) Raji, Dhanpur, Mirga, Itna, Badla, Baribari, Elenjuri, Joyshidhi, Katkhal, Dhaki and Keorjore.

(b) (i) 2,535.

(ii) 426.

(iii) 795.

(iv) 174.

(c) The number of cases disposed of is rather small, but this was due to failure of quorums on account of unfavourable local conditions.

(d) Rs. 231.

(e) The matter is under consideration of Government.

(f) No.

Mr. MONMOHAN DAS: With reference to answer (c), will the Hon'ble Minister kindly explain what is meant by the words "unfavourable local conditions"?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Unfavourable local conditions are somewhat of this nature: the area is locally known to be bhanti area, which remains under deep water for several months, and movement from one place to another cannot be made except by boat, which is often very risky.

Khan Sahib HAMIDUDDIN AHMAD: Will the Hon'ble Minister be pleased to state whether the figure in answer (b)(ii) includes the cases which were dismissed for default; if so, what is the number of such cases?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice, Sir.

Free distribution of seeds to Union Boards.

***371. Khan Bahadur Maulvi ABIDUR REZA CHOWDHURY:** Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

- (a) the number of the Union Boards in each district which received this year free distribution of seeds from the agricultural department; and
- (b) whether the Government propose to distribute seeds free to some of the Union Boards in the district of Tippera?

The Hon'ble Mr. TAMIZUDDIN KHAN: (a) Union Boards are not supplied with seeds free of charge. Seeds are supplied free to 96 Union Board Farms and 285 Demonstration Centres organised by this department throughout the province.

(b) No.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state whether the flood-affected areas have been taken in the list for free distribution of seeds?

The Hon'ble Mr. TAMIZUDDIN KHAN: If the question is whether seeds are distributed to union boards, then all I can say is that it is not done.

Mr. SPEAKER: In any case, that question does not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if there is any union board farm in the district of Tippera?

The Hon'ble Mr. TAMIZUDDIN KHAN: I cannot say that offhand. Probably, there are.

Babu MADHUSUDAN SARKER: Will the Hon'ble Minister be pleased to state how many demonstration centres or union board farms are there in the district of Pabna?

MR. SPEAKER: That question does not arise.

Appointment of Babu Chanchal Charan Guha Thakurta as a Sub-Deputy Collector.

***372. Maulvi MD. ABDUS SHAHEED:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it was a fact that a probationary Sub-Deputy Collector has been appointed under notification No. 841A.D., 30th May, 1938, published in the *Calcutta Gazette*, dated the 9th June, 1938?

(b) Will the Hon'ble Minister be pleased to state whether the said officer was a Settlement Kanungo on the date of his promotion to the rank of Sub-Deputy Collector?

(c) Is it not a fact—

(i) that he held a substantive appointment as "Record Keeper" in the office of the Director of Land Records and not as a Settlement Kanungo; and

(ii) that he was promoted from the rank of clerk?

(d) If the answer to (c) (ii) is in the affirmative, will the Hon'ble Minister be pleased to state whether all Collectors and heads of the departments of the Secretariat were asked to send in nominations from the clerical staff?

(e) If the answer to (d) is in the negative, will the Hon'ble Minister be pleased to state why the Director of Land Records, Bengal, only was asked to send nomination from his clerical staff?

(f) Is the Hon'ble Minister aware that a feeling exists amongst the clerical staff of other offices?

(g) If so, what action, if any, does he propose to take against a recurrence?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) A number of Sub-Deputy Collectors were appointed in this notification. It is presumed that the hon'ble member refers to Babu Chanchala Charan Guha Thakurta.

(b), (d) and (f) No.

(c) Yes.

(e) The Director of Land Records was not asked for nominations from his clerical staff, but only from Kanungoes. In error, he sent up the name of this officer who was an ex-Kanungo.

(g) The error was discovered after the appointment was made, but, as the officer in question had had a distinguished record as a Kanungo and had earned his promotion by virtue of his services as a Kanungo, no action was considered necessary.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who was the Director of Land Records who recommended this officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe it was Mr. Kindersley.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to give a reply to the specific question (g), which unfortunately has not been dealt with in the answer given? The question was: "If so, what action, if any, does he propose to take against a recurrence", but no answer has been given to that.

Mr. SPEAKER: That is human nature! (Laughter.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have notified the Director of Land Records that in future this should not be done.

Dr. NALINAKSHA SANYAL: But what about the other departments?

The Hon'ble Khwaja Sir NAZIMUDDIN: Such nomination is not likely to recur, because in this particular case what happened was that the kanungo happened to be on the clerical staff. It is extremely unlikely that another case of this character will ever again occur.

Kalupania Debt Settlement Board, Noakhali.

***373. Mr. SYED ABDUL MAJID:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(a) the date on which the Kalupania Debt Settlement Board within police-station Sandwip in the district of Noakhali began to function;

- (b) the number of cases filed in the Debt Settlement Board together, with the dates of filing of the applications since the date the Board began to function up to the 28th February, 1939;
- (c) the number of cases disposed of by the Board during the said period;
- (d) the number of cases still pending in the Board; and
- (e) whether and, if so, how many times the Circle Officer inspected the Board?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (a) 9th February, 1937.

- (b) A statement is laid on the Library table.
- (c) 64.
- (d) 721.
- (e) Nine times.

Mr. SYED ABDUL MAJID: With reference to answers (c) and (d), will the Hon'ble Minister be pleased to state why the number of cases disposed of is so small compared with the number of cases still pending, namely, 721?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I think I have had occasion to explain the position from time to time in this House, when I stated that, to start with, the boards do take some time to understand the nature of the work. We are, however, trying to hurry up these matters as quickly as possible.

Mr. RASIK LAL BISWAS: সভাপণকে প্রকৃত তথ্য জানতে না দেবার জন্যই কি এই সব statement Library table এ রাখা হয়?

Mr. SPEAKER: That question does not arise.

Jotes in Jalpaiguri Khas Mahal that changed hands and establishment of agricultural farms in Western Duars Khas Mahal.

***374. Babu KHACENDRA NATH DAS GUPTA:** With reference to the reply to unstarred question No. 84 of the 21st March, 1939, will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

- (a) how many of the 1942 jotes that have changed hands since Mr. Mukherjee's settlement have passed into the hands of the non-Bengalis;

- (b) the names of places in the Western Duars Khas Mahal where six agricultural demonstration farms have recently been established; and
- (c) the names of places where six more agricultural farms are proposed to be established for which provision has been made in the Budget of 1939-40?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Out of 1,942 jotes, 297 jotes have passed into the hands of the non-Bengalis.

(b) Agricultural demonstration farms have been started in the following centres:—

- (1) Alipur Duars.
- (2) Salsalabari.
- (3) Parerpar.
- (4) Falakata.
- (5) Madarhat.
- (6) Rangalibazna.

(c) Three farms will be established in the following centres of Moynaguri Tahsil:—

- (1) Singimari.
- (2) Churabhandar.
- (3) Padamati.

The sites of other three farms have not yet been selected. They will be established in Kumargram Duar Tahsil.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to consider the desirability of introducing legislation to prevent lands from passing into the hands of non-Bengalis and non-agriculturists?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As I had the privilege to state before, the question of legislation to prevent lands from passing into the hands of non-agriculturists is under the consideration of Government. It is a complicated matter, and it will take some time. As regards preventing lands from passing into the hands of non-Bengalis, naturally non-agriculturists will include non-Bengalis!

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state the total area of the 297 jotes that have passed into the hands of non-Bengalis?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the statement made by him refers to other areas besides Jalpaiguri *khass* lands?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are considering the desirability of introducing legislation before the Land Revenue Commission submit their report?

Mr. SPEAKER: That question does not arise.

Petitions filed for settlement of debts.

***375. Mr. NISHITHA NATH KUNDU:** (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing, district by district, from the year of the establishment of the Debt Settlement Boards in the district up till the present time—

(i) the total amount of debts for the settlement of which petitions have been filed before the different Boards; and

(ii) the maximum amount of a single debt for the settlement of which a debtor has filed petition before any Board?

(b) Has any method been adopted for speedy disposal of the cases before the Boards?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state what is the method adopted and with what result?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (a) (i) A statement is laid on the Library table.

(ii) I have no information.

(b) Measures designed to secure speedier disposal are adopted from time to time on the basis of experience gained

(c) It would take too long to enumerate all these measures in detail: in particular, the two following steps have been taken: The Rules have been amended to allow—

(i) simultaneous issue of notices under sub-section (2) of section 12 and sub-section (1) of section 13 and of orders under section 14 for production of documents: and

(ii) transaction of routine business by any one member of the Board.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware of a single case in which the debt of amount involved was Rs. 25 lakhs in a single application?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that there was a single case in the Jalpaiguri district where the amount involved exceeded Rs. 25 lakhs?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if his department keeps information about big landholders applying to the Debt Settlement Board for settlement of sums exceeding the amount which an agriculturist can ever conceive of—

Mr. SPEAKER: That question does not arise

Mr. MONMOHAN DAS: With reference to answer (c), will the Hon'ble Minister be pleased to state what is the basis of his experience?

Mr. SPEAKER: That question does not arise.

Mr. NISHITHA NATH KUNDU: Sir, I draw your attention to answer (a) (i). I wanted to know the maximum amount of a single debt for the settlement of which petitions have been filed before the different boards and the answer is "I have no information." I wanted to know a definite information and the question was admitted on the 27th February and after two months, the Hon'ble Minister says that he has no information. There is section 55 (2A) of the Agricultural Debtors Act which provides for fixing the maximum amount of debt which could be dealt with by the Debt Settlement Boards and I wanted to know if any maximum amount has been fixed?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer to the statement which I made at the time of the budget. The maximum amount has been decided upon but we have got to settle the terms of the rules according to the legal phraseology. That is why the rules have not been published.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state by what time he is expecting to be in a position to issue the rules?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: In the course of a few weeks.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if the Cabinet has decided to fix the maximum amount at Rs. 5,000?

Mr. SPEAKER: He cannot be expected to disclose Cabinet secrets.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if he enquired before answering my question what was the maximum amount of a single debt for which application was filed before a Debt Settlement Board in the province?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would request the honourable member to realise that we have to deal with 26 districts in the province having 3,500 boards dealing with several lakhs of such cases.

Mr. NISHITHA NATH KUNDU: The Hon'ble Minister has given a long statement of the total amount of debts, district by district; so if he had only intended to get that information, he could have—

Mr. SPEAKER: I cannot allow this sort of argument.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if he enquired of the amount of a single maximum debt in an application that was filed before a Debt Settlement Board?

Mr. SPEAKER: He has already said that it is impossible to find this out when dealing with 3,500 boards.

Mr. RASIK LAL BISWAS: Debt Settlement Board এর আইন যে হয়েছে, সেই আইনের নিয়মবানুসারে maximum amount ঠিক করবার rule আছে, সেটা কি Cabinet এর কোন মেম্বর কে protection দেবার জন্যই গভর্ণমেন্ট প্রকাশ কোরছেন না?

Mr. SPEAKER: That question does not arise. I must say that for some time I have been noticing that questions are being put by you which are not fair questions—I would not say for what reason—but these are not fair questions and you also know perfectly well that they are so.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Election of Union Boards of Chandina and Laksham police-stations, Tippera.

157. Mr. DHIRENDRA NATH DATTA: (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state when the election of the Union Boards of Chandina and Laksham police-stations of the district of Tippera was held?

(b) Have the names of the elected and nominated members been published in the Gazette?

(c) When the elections of the Union Boards of other police-stations of the Sadar subdivision were held?

(d) Whether the names of the elected and nominated members of the police-stations of the Sadar subdivision other than Chandina and Laksham have been published in the Gazette? If so, when?

(e) If the answer to clause (b) is in the negative, will the Hon'ble Minister be pleased to state the reasons for the delay in publishing the names?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:

(a) Between the 28th March and the 4th April, 1938.

(b) No.

(c) In December, 1937, and January, 1938.

(d) Yes. The names were published in the *Calcutta Gazette* of the 24th November and the 15th December, 1938.

(e) The proposals for nominations, which were submitted by the Subdivisional Officer to the District Magistrate in the latter part of August, 1938, were returned to the former by the District Magistrate after scrutiny on the 1st September, 1938, with directions to endeavour

to and Scheduled Castes nominees in specific cases. Revised proposals were accordingly submitted by the Subdivisional Officer on the 21st September, 1938, and the matter was then referred to the Chairman of the District Board for his opinion. The Chairman's comments, which were received on the 7th November, 1938, necessitated a further reference to the Subdivisional Officer and after the receipt of the latter's reply on the 21st November, 1938, enquiries had again to be made from him as to the suitability of the proposed nominees. The Subdivisional Officer's report having been received on the 7th December, 1938, final orders were passed by the District Magistrate on the 8th December for notifying the names of the selected persons.

The District Magistrate has reported that the matter was subsequently lost sight of by his office and that the notification was finally sent to the Bengal Government Press on the 5th January, 1939, for publication in the Gazette. On an enquiry made by Government from the Superintendent, Bengal Government Press, however, it appears that the notification in question has not been actually received by him from the District Magistrate. The Divisional Commissioner has been asked to have an enquiry made into the matter and to have the nominations published as early as possible.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether proposals for nomination made by the Subdivisional Officer are in all cases referred to the Chairman of the District Board for his opinion or there was an exception made in this case?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: In nearly all cases these are referred to the Chairman of the District Board.

Eden Canal and certain other Canal Revenue Divisions.

158. Mr. DHIRENDRA NARAYAN MUKERJI: (a) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

- (i) that the area irrigated by the Eden Canal has decreased; and
- (ii) that the same staff have been all along maintained for the Eden Canal?

(b) Is the Hon'ble Minister aware—

- (i) that there is no post of a head clerk in the Midnapore Canal Revenue Division; and
- (ii) that the post of a head clerk has been created in the Damodar Canal Revenue Division?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar:

(a) (i) Yes.

(ii) Yes, but the question of reduction is under consideration.

(b) Yes.

Suicidal death of Rati Kanta Mandal of Krishnapur, Lohagara Union.

159. Mr. ATUL KRISHNA CHOSE: (a) Is the Hon'ble Minister in charge of the Revenue Department aware that one Rati Kanta Mandal of Krishnapur, Lohagara Union, police-station Lohagara, committed suicide?

(b) If so, what are the reasons for taking such a fatal step?

(c) Will the Hon'ble Minister be pleased to state what was the amount of the gratuitous relief given to the Lohagara Union both in the shape of money and rice?

(d) Will the Hon'ble Minister be pleased to state whether the Subdivisional Officer of Narail enquired into the matter referred to in (a)?

(e) If so, what is the result of such enquiry?

(f) Has it been brought to the knowledge of the Hon'ble Minister that a number of people are still passing their days without food in Lohagara police-station particularly in villages Chalighat, Raigram, Paikonari, Fedi, Lal-Mahishkhola, Sababajpur and others?

(g) If the answer to (f) is in the affirmative, will the Hon'ble Minister be pleased to make an enquiry and take necessary steps in the matter?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: (a) Yes.

(b) and (c) He had been suffering for a long time from nervous debility and earache and was under the treatment of some local physicians. As he got no relief he went to Calcutta in *Sravan* last but had to return disappointed as there was no improvement. As he could not bear the sufferings due to the ear disease he committed suicide.

(c) 37 maunds, 28 seers and 13 chittaks of rice have been distributed in the Union. Money doles have not been given in the area.

(d) Yes.

(f) No. Recently the Subdivisional Officer visited Raigram and Murichpasha. No one made any such complaint before him.

(g) Does not arise.

Mr. ATUL KRISHNA CHOSE: With reference to answers (d) and (e), will the Hon'ble Minister be pleased to state the source of his information?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: District Magistrate.

Mr. ATUL KRISHNA CHOSE: Will the Hon'ble Minister be pleased to state if he is aware that Rati Kanta Mandal had been to the Union Board President of Lohagara and after being refused, he intimated to his wife that the President of the Union Board said that he being a stalwart figure—

Mr. SPEAKER: You cannot make a statement; you had better put your supplementary question.

Mr. ATUL KRISHNA CHOSE: In order to put my supplementary question, I have got to make a statement, Sir.

Mr. SPEAKER: I am afraid, you cannot.

Mr. ATUL KRISHNA CHOSE: Is the Hon'ble Minister aware of the fact that the report that he has received is not a correct one, and that the man committed suicide because he could not get his food?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The honourable member himself is rather supplying the information and not asking for information.

Mr. ATUL KRISHNA CHOSE: Is the Hon'ble Minister aware that the President of the Union Board himself admitted that the man committed suicide because he did not get his food?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. That is not the Government's information.

Mr. ATUL KRISHNA CHOSE: Is the Hon'ble Minister aware that Ratikanta Mandal went to the President of the Union Board for help but was refused?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no information on that point.

(Mr. Atul Krishna Ghose wanted to put further questions, but was not allowed to do so by the Speaker as the time for questions was over.)

Mr. ATUL KRISHNA CHOSE: May I submit that the man committed suicide because he could not get any food—

Mr. SPEAKER: I may tell you that after the question time is over, no further questions are allowed. This was never done. It is no use arguing with me. You ought to remember that certain conventions must be observed. After the time is over, I cannot allow any further supplementary questions to be put. You must put it off till the next day.

Appointments under the Director of Agriculture, Bengal, since 1937.

160. Maulvi MD. MOSLEM ALI MOLLAH: (a) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

- (i) the number of appointments with designations and scales of pay made under the Director of Agriculture, Bengal, since 1937;
- (ii) the names, age, caste and the place of residence of the persons appointed; and
- (iii) whether all those vacancies had been duly advertised before they were filled up?

(b) If the answer to (a) (iii) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Mr. TAMIZUDDIN KHAN: (a) A statement is laid on the Library table.

(b) Does not arise.

Establishment of Special Boards for Co-operative Central Banks in Tippera.

161. Maulvi MUHAMMAD HASANUZZAMAN: (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether the Government contemplate establishment of Co-operative Central Bank Special Board at Laksam Central Bank and in other Banks of Tippera?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

- (i) whether the District Magistrate has submitted his suggestion for nomination of members of Laksam Central Bank Special Board; and
- (ii) if not, what are the reasons for the delay?

(c) Are the Government considering the desirability of establishing the said Board by the 30th April, 1939?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (a) The question of establishing such a Board is under discussion with the local officers.

(b) and (c) Do not arise.

ADJOURNMENT MOTION.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, since the Chief Minister has arrived to-day, may I have your leave to move the adjournment motion the notice of which I have given before. The other day you were pleased to postpone the matter owing to the unavoidable absence of the Hon'ble the Chief Minister.

Mr. SPEAKER: I will have to consider whether this motion is in order or not.

I want to know from the Chief Minister whether this speech was delivered by him as a Minister of Government or in his private capacity. This is the only point at issue.

Mr. SASANKA SEKHAR SANYAL: You know, Sir, as well as I do.

Mr. SPEAKER: I have no personal knowledge; I can tell you that I have not read the speech.

Mr. SASANKA SEKHAR SANYAL: A Minister cannot divest himself of his capacity as such. He is a public servant. He is a whole-time servant and is paid out of the public exchequer. He has made a public utterance, and that utterance has affected a large section of the public. It has also the effect of inciting another section of the public. We as representatives of the public are entitled to discuss such public utterances which are likely to have serious repercussion upon the public at large.

Mr. SPEAKER: I want to know from the Chief Minister whether the speech was delivered at the meeting of the Bengal Provincial Muslim League in his private capacity or on behalf of Government?

Dr. NALINAKSHA SANYAL: I rise on a point of order, Sir. Before the Hon'ble the Chief Minister has replied to the point raised by you, I want to know whether as Speaker you would be pleased to accept

any statement of the Hon'ble the Chief Minister with regard to a question of fact. Whether Mr. Fazlul Huq had been functioning at the moment as the Chief Minister of Bengal or had ceased to function, that is the point. Whether he has made the statement in his personal capacity or not is not a matter for us to enquire. Every speech that he makes is to be presumed an act of the Chief Minister, and the public of Bengal will take it as such so long as he has been functioning as the Chief Minister. It is not a matter on which the opinion of the Chief Minister counts.

Mr. SANTOSH KUMAR BASU: Will you please remember that it was a statement of the public policy of the Cabinet at a meeting held for a political purpose?

Mr. SPEAKER: That is exactly the point I want to know—whether it was a statement of public policy.

Mr. SANTOSH KUMAR BASU: The question is whether the speech itself discloses that the statement was a statement of public policy. Under the present constitution it will be difficult to distinguish between a public and a private capacity of a Minister.

Mr. SPEAKER: I will hear you later.

Dr. NALINAKSHA SANYAL: The Chief Minister has all along been in the habit of saying one thing one day and denying it the next day. What is the use of taking his view on the matter then?

The Hon'ble Mr. A. K. FAZLUL HUQ: After all the remarks that have been made I pray that the discussion should take place. I adhere to the statement I made.

Mr. SPEAKER: I do not think I should be guided by the impassioned statement of one side or the other that discussion should take place. It is my duty as Speaker to see as to whether the rules are correctly observed or not. From that point of view when a statement is made, I should like to know whether that is a statement of Government policy or merely a private speech.

The Hon'ble Mr. A. K. FAZLUL HUQ: There was a public meeting. I made a statement and I take the full responsibility for it. It was not a statement of Government, but I made a statement and I take the full responsibility for it.

Mr. SPEAKER: I want to know whether your statement was made as that of the Chief Minister?

The Hon'ble Mr. NALINI RANJAN SARKER: It cannot be the statement of Government. We are no party to that statement.

Mr. SANTOSH KUMAR BASU: But your Chief adhered to it and you are backing him up.

The Hon'ble Mr. NALINI RANJAN SARKER: I can make a speech like that at a Hindu meeting.

Mr. SANTOSH KUMAR BASU: You have been thoroughly exposed. You have not the moral courage of conviction.

The Hon'ble Mr. NALINI RANJAN SARKER: You have always got the Finance Minister in your brain.

Mr. SANTOSH KUMAR BASU: Shame to the Hindu Ministers.

The Hon'ble Mr. NALINI RANJAN SARKER: Shame to the opposition.

Mr. SPEAKER: I do not want to have a discussion on this point. I think it is the duty of the responsible leaders both to my right and to my left to see that there is no excitement in a matter like this. I have to make a decision as to whether this matter comes within the adjournment motion or not.

Rai HARENDRA NATH CHAUDHURI: It is a shame to the Hindu Ministers that they should back their Chief in such a matter.

Mr. SPEAKER: I know you, Mr. Rai Chaudhuri, to be a man of sober temper.

It is very difficult for me to carry on the business of the House if there is such excitement. It is a very important matter and I hope that feelings which are likely to be roused will not cloud the real issue for the time being before me as to whether this motion is in order or not. I am really prepared to hear you on the point, if it is necessary, as to whether this motion is in order or not. The difficulty of this motion (it being an adjournment motion) is that it must conform to certain canons and one of the canons is that the motion must deal with a matter on which a resolution could not be moved. Well, a resolution cannot be moved on any matter with which a member of Government is not connected in his official capacity or public capacity.

Dr. NALINAKSHA SANYAL: To which rule do you refer?

Mr. SPEAKER: Please find it out. I am surprised to find that Dr. Sanyal does not know the rules. I will however show it to you.

Dr. NALINAKSHA SANYAL: Which rule?

Mr. SPEAKER: Section 94 of the Rules and Standing Orders says "Provided that no resolution shall be admissible which does not comply with the following condition, namely:— . . .

It shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity"

That being so, I have to be satisfied whether it is in connection with an official or public capacity. An adjournment motion is also subject to certain other restrictive provisions. It has been the position not merely in India but also in Parliament that unless that matter is somehow connected with Government—an adjournment motion which is a censure on Government cannot be moved. On that point I want elucidation as to whether this is a matter which is the policy of Government or is connected with the action of Government. But members might ask what is the proper method of ventilating their grievances on this matter where a Minister in his private capacity delivers a speech like the one under discussion.

Dr. NALINAKSHA SANYAL: He has made it abundantly clear.

Mr. SPEAKER: So far as that matter is concerned what is the remedy? There are three remedies open. One is adjournment motion; another is No-Confidence Motion and the third is Resolution. The question is whether it comes within the purview of an Adjournment Motion or not. I have been very carefully going into this matter for some time and if it is not a statement of policy of Government as it has been elicited but merely a statement of one who is a member of the Government—

Dr. NALINAKSHA SANYAL: Or a mad man.

The Hon'ble Mr. A. K. FAZLUL HUQ: Dr. Sanyal must withdraw that expression.

Mr. JOGESH CHANDRA GUPTA: The only question is the admissibility of the motion—

Mr. SPEAKER: My attention has been drawn to the fact that Dr. Sanyal has used an objectionable expression.

Dr. NALINAKSHA SANYAL: I said that the statement of mad man as you suggested might be ignored.

Mr. SPEAKER: Order, order. (Cries of "withdraw" from the Coalition Benches.)

I must say that it is most unfair that anybody should interrupt when the Speaker is on his legs however good and just the cause might be. Dr. Sanyal, will you withdraw that expression?

Dr. NALINAKSHA SANYAL: I submit, Sir, that it is not an imputation against anybody; I have not named any particular person. I would rather withdraw from the House than withdraw that expression. You cannot be so unfair to me by insisting on my withdrawing the expression when I meant nobody. I am sorry to say, Sir, that by this you will be helping the other side.

Mr. JOGESH CHANDRA GUPTA: I wanted to make it quite clear to you—

Mr. Khwaja SHAHABUDDIN: On a point of order, Sir. I think it is not in keeping with the dignity and prestige of the House to discuss anything further unless and until your order is carried out.

Mr. SPEAKER: Now Dr. Sanyal says he did not say anything about a particular person. I cannot ask him therefore to withdraw it.

Mr. Khwaja SHAHABUDDIN: He did not say that. He definitely said, "I will not withdraw".

Mr. SPEAKER: I did not hear him say so. His voice was drowned in the noise. He was just going to say something when there was an interruption.

Mr. JOGESH CHANDRA GUPTA: That is exactly the point.

Dr. NALINAKSHA SANYAL: I have made it perfectly clear that I did not mention any name or refer to any individual.

Mr. SPEAKER: What was your statement?

Dr. NALINAKSHA SANYAL: You were saying that it was the statement of a private person in his private capacity and I added along with that "or a mad man". It does not refer to any individual.

Mr. K. NOORUDDIN: Dr. Sanyal has said that you are showing partiality to this section of the House.

Mr. SPEAKER: I have taken notice of that, and I am coming to that later on. Whatever be the excitement of the members in this House, the Speaker is the one person who is not expected to lose his head and I hope it will be remembered that if the Speaker also loses his head it will be very difficult to keep control over the House. I must say from the manner in which some members of the House are creating noise that it is very difficult for the Speaker to come to a right conclusion over facts. Now, if the statement is in the nature of what Dr. Sanyal says, then I must say that it is not a reflection. My impression was that he referred to the speech of the Hon'ble the Chief Minister. He says that he has not done so. As that interruption was in the midst of a general statement which I was making, well, coming after that, it was not an imputation.

Apart from that Dr. Sanyal has made a most serious imputation against the Speaker and I would now adjourn the House. I do not propose to take the Chair again till the House decides what steps it is going to take against this imputation.

Dr. NALINAKSHA SANYAL: I am perfectly willing to withdraw all the imputations that I might have made against the Speaker.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, now that Dr. Sanyal has made an unqualified withdrawal and apology, I think you, Sir, in your generosity and in full consciousness of the dignity of your position, will be pleased to accept it.

Mr. SPEAKER: I am quite prepared to accept that. But I must ask the Leaders of the different Groups to help me in carrying on my functions as the Speaker by keeping under severe control members who can make a statement of that nature even in the midst of excitement, and I have nothing further to add. It is not a question of argument.

So far as the discussion is concerned, I will give my reason as to why the motion for adjournment is not in order. For the time being it seems to me that the motion is not in order.

Mr. SANTOSH KUMAR BASU: You have not heard us, Sir.

Mr. SPEAKER: I am prepared to hear from one on your side only about the legal point.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, with regard to the legal point I would like to mention that it is a matter of very

great public importance inasmuch as under the present constitution the Ministers will be called upon to make statements of their policy—policy of Government—before their party assemblages. In the present case the Hon'ble the Chief Minister while presiding over a meeting of the Bengal Provincial Muslim League made a statement of policy which evidently everybody in that meeting and those outside who had read that report must have taken as a statement of policy of the Government. I would submit, Sir, that the feeling that has been created in the province—

Mr. SPEAKER: Mr. Basu, I hope you will confine yourself to the legal point.

Mr. SANTOSH KUMAR BASU: Yes, Sir, the statement that he has made can legitimately give rise to a feeling that it is a statement of policy on behalf of the Government by one who certainly is entitled to represent the policy of the Government before the public. I submit, Sir, that this House can by an adjournment motion question that statement and raise that question for an answer from the Minister who is responsible for a statement of that character. It is extremely difficult, Sir, to dissociate the public character of the Minister in a matter of public policy delivered on a public occasion at an important meeting of a political party which is the party to which the Minister himself belonged at that moment and still belongs. I would, therefore, submit, Sir, that if you once decide that these statements of policy in political meetings which certainly have a political aspect and will influence public opinion or sentiment in this province are beyond the purview or the scope of adjournment motions, then I submit that it will result in a substantial curtailment of the privileges of this House. This House is the only forum, Sir, where the Ministers can really be put on their trial on their statements of policies made in such public meetings. I would, therefore, submit, Sir, that if you once hold that this is not within the purview of an adjournment motion, it will be difficult for us to exercise our function in calling into question such statements which have been or may be made from time to time. There are two other remedies pointed out by you, viz., a no-confidence motion or a resolution. I submit there might be alternative remedies, but that does not deprive us of the other remedy if that is unquestionably open to us. I, therefore, submit that you will not take steps to curtail our rights and privileges and thereby deprive the Opposition of a very valuable right which has been conferred upon it by the Government of India Act and the rules made thereunder.

Mr. JOGESH CHANDRA GUPTA: Sir, may I only add that Major Attlee's speech was the subject of discussion in the House of

Parliament—a speech made at a Scottish Dinner of the Premier; and so far as my recollection goes—I am not quite sure of the fact—there have been other cases including that of Sir Stafford Cripps. On that basis, Sir, you cannot dissociate the personality of the Premier and the President of a political association when he is making a speech in public in a political conference. While he is continuing as Premier, it is absolutely necessary that we should have an opportunity of discussing the matter. My friends have suggested the motion of no-confidence. That may wait; we may not now despair of pointing out the error of his ways and helping the establishment of communal peace and harmony in this province. If you rule out an adjournment motion on a technical ground as to whether he was actually speaking as the Chief Minister or as the President of the Muslim League, we shall be deprived of a corrective remedy with regard to some wrongs done by a person whose position requires that every word should be uttered with the utmost caution. This is what I want you, Sir, to consider.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I submit that if it is accepted as a matter for an adjournment motion, it would be creating a dangerous precedent. This is a Coalition Government, and every Minister has a right to speak to his party as to how the party should organise itself. I am quite sure that even at a public meeting, even at the conference of the Muslim League, whatever the Chief Minister might have said, must have been his own view as President of the Muslim League. It has nothing to do with the Government policy, because if it had been a Government policy, he ought to have consulted us. As he has said something to his co-religionists, so I am perfectly at liberty to say to the Hindus to organise themselves to fight against the Muhammadans. You may remember, Sir, that at a Muslim League meeting at Lucknow which the Hon'ble the Chief Minister attended as a delegate he said something which I did not corroborate,—I refuted it in newspapers saying that I did not subscribe to his policy..... (Dr. NALINAKSHA SANYAL: A happy family indeed!) We may not be a happy family. As a matter of fact, Sir, that has nothing to do with the policy of a Coalition Government. As regards the case of Major Attlee, I do not remember the case well. But so far as I know, it was in connection with the policy of the Government and not the case of an individual who addressed his own view to his own party. That is why Major Attlee's case cannot be taken as a precedent.

Mr. SPEAKER: Mr. Santosh Kumar Basu and Mr. Jogesh Chandra Gupta have raised certain points and have given certain precedents. In view of that, I think I should not give my final decision to-day. This will help me to consider the matter in detail

and in a dispassionate manner. I can assure the House that while I shall not allow myself to be carried away by any feeling for one side or the other as to whether the motion should be allowed or not, I shall rigidly abide by the rules as I understand them. It may happen that my understanding of the rules might not be correct,—the honourable members certainly possess a remedy for that. So far as my study of the materials at hand are concerned, my present inclination is that the motion is not in order; but in view of the points just raised, I want time to consider the whole thing in fuller detail and then give my decision thereon. As this will take time, I am of opinion that the question of urgency will not arise.

I now call upon Khan Bahadur Mohammed Ali to move Resolution No. 1 which stands in his name.

Khan Bahadur MOHAMMED ALI: Sir, I beg to move:—

The Hon'ble Khwaja Sir NAZIMUDDIN: I am very sorry to interrupt at this stage, Sir. If the adjournment motion is to be allowed at all, it should be done to-day and not later, because of the importance of the Calcutta Municipal (Amendment) Bill.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. The matter of the adjournment motion has been closed for the present and the regular business of the House has already been taken up. In these circumstances, the question of taking up the adjournment motion to-day cannot be raised.

The Hon'ble Mr. A. K. FAZLUL HUQ: In view of the fact that the Opposition have expressed their willingness to take up the adjournment motion to-day and I also want it to be discussed to-day, I would ask you to fix a time for it to-day. I am accepting the challenge of the Opposition.

Mr. SPEAKER: Even if it is accepted by you, I have got to see whether it is in order, and unless and until I am satisfied, I cannot allow the discussion to take place.

NON-OFFICIAL RESOLUTIONS

Reduction of Pay for New Entrants to Indian Civil Service.

Khan Bahadur MOHAMMED ALI: Sir, I rise to move that this Assembly is of opinion that the Secretary of State for India be moved to reduce the scale of pay for all new entrants to the Indian Civil Service and the Indian Police Service.

A very eminent political leader of this country once said that members of the Indian Civil Service are seldom Indians, hardly ever civil and by no means a servant. But it is gratifying to note that to-day happily that charge does not fully hold good, for quite a good proportion of them are Indians and a large number of them have become civil. With the advent of the present Reforms and transference of greater powers to the Legislature, the superiority consciousness of the Indian Civil Servants is slowly but perceptibly undergoing a change. I mention this because the resolution I am sponsoring to-day is not born out of any feeling of resentment or grievance which in the past have so often embittered relations between the services and the public. In the past, men in the services have often looked upon themselves as demi-gods administering justice and mercy to a benighted populace, and naturally enough, in the public mind there was a sense of dull and impotent rage against public servants, paid out of public money, who treated their masters in a way hardly consonant with that relationship. If to-day I raise the question once again and want the scales of salaries of Indian Civil Service and Indian Police Service reduced, it is not out of any such feeling of resentment nor with the idea of making political capital out of it but because a calm and dispassionate survey of the financial situation in the country, a survey which it was perhaps impossible in the past to undertake with detachment, convinces me that princely scales and privileges enjoyed by these services are out of all proportion to and incompatible with the pressing economic needs of the people and the extremely meagre resources of the country.

Sir, in a country where the bulk of the population cannot have even two square meals a day, where the question of *dal bhat* still presents the most burning problem of the hour, it is nothing short of a disgrace to superimpose on that country a service carrying a scale of pay which the already overburdened tax-payer can ill-afford to bear. It has been maintained in the past at the cost of the hungry millions of half-famished, semi-clad, and disease-stricken people of this country and is being maintained at present as a legacy of the past bureaucratic Governments and shielded by the protecting wings of the Government of India Act of 1935. But with the dawn of a new era of a fairly democratic Government, it is but meet and proper that efforts should now be made to rectify as far as practicable the concomitant evils of foreign domination.

Sir, it is apparent from a mere cursory perusal of the budget that the present scale of pay of Imperial Service officers makes the administration of the province very top-heavy and leaves but a bare margin for important works of nation building. To quote a single instance, the maintenance of the establishments of the five Divisional Commissioners costs the Provincial Exchequer a huge and staggering

sum of Rs. 4,05,000 per annum, and that at a time when money cannot be found for free primary education about which the whole province, with one voice, is insistent. Sir, the posts of such Divisional Commissioners can easily be abolished without affecting in any way the efficiency of the administration. Or, in the alternative, the number can easily be reduced from 5 to 3, as suggested in the report of the Swan Committee, of which you, Sir, were a member. Even this step would save a drainage of over a lakh and a half from the provincial coffers. Sir, the scales of pay of the provincial services have been revised and the basic salary reduced to Rs. 150 from Rs. 250 per month. This has certainly minimised the heavy charges under the head "General Administration", but there has been no proportionate reduction in the basic pay of the Imperial Services nor a revision in their scales. This, Sir, is inequitable and unjust. After all, there is very little difference in the quality of Indian recruits to the two services and in the nature of work expected of them.

Rai HARENDRA NATH CHAUDHURI (to the Hon'ble Mr. Nalini Ranjan Sarker): Why are you looking so pale?

(At this stage the Hon'ble Mr. Nalini Ranjan Sarker crossed over to the bench of Rai Harendra Nath Chaudhuri.)

Khan Bahadur MOHAMMED ALI: The Indian recruits to Imperial Services and the provincial services are drawn from the same strata of society possessing the same type of qualifications. Instances are not rare when candidates unsuccessful at the competitive examination for entrance to the Provincial Civil Services have competed and qualified for admission to the Imperial Services.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I point out, Sir, that we on this side of the House cannot hear anything because of the conversation that is going on over there (pointing to the Congress Benches)?

(At this stage the Hon'ble Mr. Nalini Ranjan Sarker came back to his seat.)

Rai HARENDRA NATH CHAUDHURI: The Finance Minister has been snubbed by the Home Minister! (Laughter.)

Mr. SPEAKER: There is always danger in crossing the floor! (Laughter.)

- **Khan Bahadur MOHAMMED ALI:** And further, instances are also not wanting when nominations to the Indian Civil Service have been made from the cadre of the Provincial Service. On the other hand, examinations and methods of recruitment to both the Imperial and the Provincial Services are also identical, with the result that we pay for our Indian Civilians a sum wholly disproportionate to the market-price at which they are available; especially in these days of acute and ever-growing unemployment problem.

The Lee Commission report in discussing the question of the basic pay of the Imperial Services agreed with the views expressed in the Islington Commission Report, which runs as follows:—

“Government should pay so much and so much only to their employees as is necessary to obtain recruits of the right stamp and to maintain them in such a degree of comfort and dignity as will shield them from temptation and keep them efficient for the term of their service”.

Sir, I accept that principle whole-heartedly, but that principle itself demands that the extravagant scales now prevalent in the Imperial Services must be curtailed. Can any one maintain that recruits of the right stamp will not be available even if the maximum salary of the Indian Civil Service were Rs. 1,500 per mensem? Can any one maintain that Rs. 1,000 would not be enough to maintain District Officers in a degree of comfort and dignity as will shield them from temptation and keep them efficient for their term of service? Further, is it not a fact that the degree of responsibility and initiative required from a Government servant has changed materially in the India of to-day? For, with the ushering in of the present reforms and the transference of power from the Civil Servants to non-officials, the responsibility that so long vested in the officers of superior services have been curtailed to a very considerable extent, and, consequently, they have now very little scope to succumb to temptations. Further, with the growing consciousness of the people and the interest evinced by local members of Legislatures, it is no longer possible for Civil Servants and police officials to stoop to corruptions. One word more in this connection. Sir, in the previous regimes, in the days when bureaucracy held sway, members of the Indian Civil Service had to adumbrate policies and direct lines of action which the Government of the day had to adopt. Even District Officers were like feudatory chiefs, and one, as late as 1931, was known as the Maharaja of a certain district in this province. But with the dawn of a new era of constitutional Government in this country the District Officers, and even Secretaries of Departments, are to carry on mere routine work and to follow the policy dictated by responsible Ministers. This is partially what it should be. I say “partially”, because we want our

Civil Servants to occupy the same position in the administration of the country as do the Civil Servants in England or, for the matter of that, in any other country of the world. In England, the Home Civil Servants enjoy a scale of pay of about Rs. 250 to Rs. 850. This, too, in a country where living is dear. But, of course, in that country Civil Servants have no false sense of dignity of position, and, therefore, can live humbly but comfortably. But in India our Civil Servants have to live like aristocrats. Now, Sir, what are the prime qualifications necessary in a Civil Servant? A recruit must be possessed of requisite educational qualifications, common-sense, and sound physique to enter the Civil Service. No expert or technical knowledge or qualification is necessary. Then why should a premium—a heavy premium at that—be paid for such recruitment? No other service in the world commands such emoluments, such privileges, and such facilities as ours.

Now, Sir, I come to another question discussed by the Lee Commission, namely, that of basic pay of European officers. The report has compared the initial salary of European assistants and executives in mercantile firms in Calcutta. But I would like to point out that such comparison is absolutely out of place for several reasons. The chief point of difference lies in the fact that while mercantile assistants have to live in Calcutta with high rents and expensive cost of living in the Metropolis, our Civil Servants have to live in the mufassal with very cheap cost of establishment expenses, with free quarters, free medical advice, and often, as in the case of the Subdivisional Officers, free houses. Then, the Civil Servants get an annual increment of Rs. 50 per month rising to almost a princely figure. Add to this the overseas pay, which alone costs our exchequer a sum of Rs. 1,45,400 for the Civil Servants alone, the grant of free passages to England, and concessional rebate in the matter of remittances to England. These factors make one believe that the high scale of pay is maintained for the purpose of British exploitation of Indian revenues.

Sir, the Retrenchment Committee, appointed by a Government resolution, in deference to the wish of the Legislature, of the 25th April, 1932, of which you, Sir, were a member, examined the question of the pay of Indian Civil Service officers and suggested a reduction in the scale. Sir, the condition then prevalent was entirely different to that of the present time. We feel that the Committee, with its limited scope under the former Government, could not examine this question in such a detached and impartial manner as we can do at the present time. The Committee, however, considered the present scale of pay to be extravagant and suggested a reduced scale ranging from Rs. 375 to Rs. 1,500.

Sir, the Hon'ble Finance Minister in his budget speech has said—
 “the present conditions in our province may reasonably be described as a state of emergency”. We agree with him. In a state of emergency we must protect our interests as best as we can with all the strength at our command. We have to find money for nation-building purposes. To make matters worse we are threatened with additional taxation. What greater justification can there be for an attempt to reduce the prohibitive cost of administration of this province?

Sir, section 244 of the Government of India Act of 1935 reads as follows—“As from the commencement of Part III of the Act appointments to the Civil Services known as the Indian Civil Service, the Indian Medical Service (Civil) and the Indian Police Service (which last mentioned service shall thereafter be known as the Indian Police) shall until Parliament otherwise determines, be made by the Secretary of State”.

Sub-section (4) runs as follows—“It shall be the duty of the Governor-General to keep the Secretary of State informed as to the operation of this section, and he may, after the expiry of such periods, as he thinks fit, make recommendations for the modification thereof”.

In view of this it is abundantly clear that we are quite competent to recommend to the Governor-General and the Secretary of State for India to revise the scale of pay of all new entrants to the Imperial Services. Sir, I might mention in this connection that Sir Maharaj Singh, a distinguished ex-member of the Provincial Service, who rose to the eminent post of the Home Member of the United Provinces Government, tabled a resolution for the provincialisation of the Indian Civil, Indian Medical and the Indian Police Services. This resolution received the whole-hearted support of the House including the members of the European Group. May I in this connection request the European members of this House to emulate the example set by their compatriots in the United Provinces? Mr. H. G. Walford, speaking on behalf of the European Group, during the debate on the resolution of Sir Maharaj Singh said:

“The other ground upon which I support this motion is the existence of invidious distinction between services who do exactly the same work as the Provincial Services, should be considered superior services, receiving higher emoluments and special privileges, while the Provincial Services are considered subordinate, or inferior services. This anomaly must be removed”.

I hope the European Group in this House will also endorse the above views and lend their support to my resolution.

Before I conclude I would like to add one more word. We do not want any racial discrimination to be made in the matter of emoluments or privileges to Indian or European members of the services. We do

not want the very purpose of this resolution to be defeated by a nominal reduction in the scale of pay and a *pro rata* increase in the overseas pay of the European officers. Members of the same service should be treated equally in all matters. In this connection I would suggest the following scale of salary:—Rs. 350 to Rs. 1,000 and Rs. 1,500 for Commissioners or Secretaries of departments. The payment of overseas allowance should also be proportionately reduced. We have no objection to payment of free passages as at present, provided second class passages are allowed instead of first class. In this connection Indian officers hailing from distant provinces should be granted the same privileges of free passages to their native places.

With regard to the Indian Police Service, I suggest a scale of Rs. 300 to Rs. 850 with Rs. 1,000 for Deputy Inspector-General and Rs. 1,250 for the Inspector-General.

With these words, Sir, I commend my resolution to the acceptance of the House.

(The House was then adjourned for 15 minutes.)

(After adjournment.)

Mr. KIRAN SANKAR ROY: Mr. Deputy Speaker, Sir, I congratulate Khan Bahadur Mohammed Ali, though he is not in the House, for having moved a much overdue resolution. I hope, it will receive the unanimous support of the party to which he belongs and also of the European Group. On behalf of the Congress Assembly Party, I give my whole-hearted support to this resolution. I may also inform the Government as well as the members of the House that a similar recommendation has been sent by the Madras Government. It would have been an improvement if the Khan Bahadur had added the Indian Medical Service, the Engineering Service and the other Imperial Services—

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazart: It is no longer Engineering Service.

Mr. KIRAN SANKAR ROY: Whatever service it is and whatever name it has—they are drawing a very high salary—all these posts should have been included in the resolution. But, Sir, we shall be glad to have this beginning and I hope we will continue to reduce the salary of all these highly paid officers. With these words I recommend this resolution for the unanimous acceptance of this House and, I am sure, the Hon'ble the Home Minister will also accept this resolution.

Mr. DEPUTY SPEAKER: Maulvi Abdul Latif Biswas, are you moving your amendment?

(A VOICE: The honourable member is not in the House.)

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as Government are concerned, it is well known that this is a subject for which Government are not directly responsible, and therefore according to the usual practice they will not take part in the voting. The members of the Government will remain neutral and they will forward to His Excellency the Governor the proceedings of this House with the request that it may be forwarded to the proper quarters. We do not want to express any opinion on subjects for which we are not directly responsible, but I would like, if I may say so, to congratulate the honourable member who has made this fine speech. Though I do not agree with some of the points mentioned there and some of the things said there, still I maintain that it is a well-delivered speech, a good speech I must say. The only point to remember is that, as far as this question is concerned, Government action is to a certain extent restricted. It has already been decided that after five years a commission will come here to examine the whole question and one of the reasons why Government at the present time do not propose to take any steps in this matter is that they realise that no useful purpose will be served, because one thing is definite that this question will not be reopened or discussed during this five-year period. The mere fact that Government are not taking any steps at the present time does not mean that when suitable opportunity will arise, Government will not express their opinion on this question. They think that that will be the time when this should be considered. Therefore, Sir, Government will forward the proceedings.

Mr. SANTOSH KUMAR BASU: May I suggest one thing, Sir? He may have opportunity of replying to it. Is he aware that the Government of Madras had actually supported a resolution of this character and had sent the recommendation to His Excellency the Governor of Madras who has forwarded it to the proper quarters?

Khan Bahadur MOHAMMED ALI: Also the Government of the United Provinces practically supported a resolution of this nature.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know what is the meaning of the words "practically supported". I am definite on the point that two blacks do not make one white and if the other Governments have done something which is not justifiable, there is no reason why this Government will make the same mistake. It is a

mistake to raise this question at the present time, because no useful purpose will be served, and it is for this reason that this Government do not propose to take any steps. As I have said, when the right time will come, this Government, which have a definite opinion on the subject, will express their opinion.

The resolution of Khan Bahadur Mohammed Afî, viz., this Assembly is of opinion that the Secretary of State for India be moved to reduce the scale of pay for all new entrants to the Indian Civil Service and the Indian Police Service, was then put and agreed to.

Discontinuation of Duty on Electrical Energy.

Mr. SYED JALALUDDIN HASHEMY: I beg to move that this Assembly is of opinion that immediate steps should be taken by the Government of Bengal to give effect to the resolution passed by the Corporation of Calcutta on 9th November, 1938, for discontinuation of the levy of duty on electrical energy consumed for lights and fans at the rate of $\frac{1}{2}$ anna per unit when the supply is metered, and that the Bengal Electricity Duty Act, 1935, be amended accordingly.

My proposition, is very simple and very clear. It speaks for itself, and it requires no explanation. I crave your indulgence in reading out the resolution which was adopted by the Corporation of Calcutta on the 9th November.

Mr. Jalaluddin Hashemy moved the following resolution: "That it be recommended to the Government of Bengal that the levy of duty on electrical energy consumed for lights and fans at the rate of half anna per unit when the supply is metered be discontinued; and the Bengal Electricity Duty Act, 1935, be amended accordingly."

Moving the above resolution Mr. Hashemy said that this was intended as a recommendation to the Government of Bengal. This duty was imposed at a time when Government were faced with a huge deficit. In other words, it was an emergency measure. Since then the finances of Government had been improving and this year's budget showed a surplus and he was sure that next year's budget would show a larger surplus still. If they sent up this recommendation in all seriousness, he was sure Government would abolish this duty. The rate-payers of Calcutta found it hard to pay this duty and that was why they were having recourse to kerosene lights in progressively increasing numbers.

I submit in this connection that the Chief Executive Officer in his letter No. S. 6529, dated 11th February, 1939, addressed to the Secretary to the Government of Bengal, Public Health and Local Self-Government Department, wrote as follows:—

"I have the honour to invite a reference to section 3 of the Bengal Electricity Duty Act, 1935, under which a duty at the rate of six

pices is levied and charged for each unit of electrical energy consumed for lights and fans or both when the supply is metered.

Government are aware that when the Bengal Electricity Duty Bill was introduced in the Bengal Legislative Council in 1935, funds were not easy and Government were seeking measures for financial replenishment. The important consideration on which the honourable member, in introducing the Bill, laid great stress was that unless this Bill as also four other Taxation Bills were passed into law, Bengal would be deprived of half the proceeds of the jute duty. In due course the Bill was passed into law.

I may state that it is a recognised principle that the proceeds of any imposition levied on any commodity supplied by a public utility concern, operating within the limits of a local authority, should accrue properly speaking to that authority. Now that the circumstances which led to the passing of the measure no longer exist and that one half or such greater portion as His Majesty in Council may determine, of the net proceeds of the jute duty has been definitely allocated to Bengal [vide section 140 (2) of the Government of India Act, 1935], the question of removal of the duty came up before the Corporation for consideration on the 9th November, 1938.

At the meeting the opinion was expressed that the Bengal Electricity Duty Act, 1935, was an emergency measure and that as no emergency existed now, the duty of half an anna per unit of the electrical energy consumed for lights and fans or both when the supply is metered should be discontinued. The Corporation considered the matter and resolved that the Local Government should be requested to take steps for the discontinuance of the duty.

I enclose a copy of the Resolution of the Corporation and request that the Government may be pleased to take steps for the discontinuance of the duty as early as possible".

This is the letter from the Chief Executive Officer of the Corporation of Calcutta to the Secretary to the Government of Bengal. It may be recalled in this connection, Sir, only a year ago I tried to impress upon this Government the proposal of the Corporation of Calcutta for purchasing the electrical undertakings from the Calcutta Electric Supply Corporation. But, Sir, unfortunately that proposal was rejected by the Government for reasons best known to them. Sir, I can suggest an alternative to this proposal which I have just made. Sir, if the Corporation of Calcutta is permitted to purchase the electrical undertakings which they are entitled to purchase under the Indian Electricity Act, I am not very much particular to do away with this duty that is levied on each unit, namely, two pice per unit. Sir, if that is done, the Calcutta Corporation will be able to supply electrical energy at one anna per unit and in that case, Sir, we will not grudge even to give the Government one anna per unit as duty. But that is not to

be so. Sir, under the management of the present Finance Minister, the Government of Bengal are not run at a deficit and the emergency has already vanished. It is high time for the Government, as they have done in the case of the tobacco tax, to withdraw this levy from the poor rate-payers of Calcutta. Sir, the Hon'ble the Commerce Minister—I don't see him here—knows and knows very well that the number of ~~Kerosene~~ lamps is progressively increasing in Calcutta owing to the poverty of the rate-payers—particularly the Moslem rate-payers of Calcutta. He will do a great benefit, as the new Secretary of the provincial Muslim League, to the Muslim population of Calcutta if he helps in the withdrawal of the duty that is still hanging on the shoulders of the poor rate-payers of Calcutta and I hope that every section of the House will accept the simple proposition that I have made here this evening. This duty on electricity must go. It should have been taken away much earlier. With the advent of provincial autonomy, Government ought to have considered this matter earlier, but it is not too late even now. I hope the Government will accept my proposal without any hesitation. With these words, I commend my resolution to the acceptance of the House.

The Hon'ble Mr. NALINI RANJAN SARKER: I oppose this resolution. Acceptance of this Resolution means that we shall lose about Rs. 19 lakhs a year.

Dr. NALINAKSHA SANYAL: Rupees 19 lakhs is the total.

The Hon'ble Mr. NALINI RANJAN SARKER: Rupees 19½ lakhs is the total, and in Calcutta the unmetered consumption is very small and the quantity cannot be ascertained.

Mr. JOGESH CHANDRA GUPTA: You can cut the pay of the I.C.S.

The Hon'ble Mr. NALINI RANJAN SARKER: After that we shall see that the electricity duty is reduced. Up till that time I request you not to press this. My friend Mr. Jalaluddin Hashemy has said that it will hard hit the poor. As you know, those who cannot consume 15 units are not charged the electricity duty. But in other provinces, they are now imposing that duty. In Bombay everybody who consumes electricity has to pay a tax. There is no exemption there as in the case of poor people in Bengal. Those who consume up to 12 units in Bombay have to pay one anna, and those who consume more than 12 units have to pay five pice. So our rate is moderate. In view of all this I oppose this resolution.

The motion of Mr. Syed Jalaluddin Hashemy that this Assembly is of opinion that immediate steps should be taken by the Government of Bengal to give effect to the resolution passed by the Corporation of Calcutta on 9th November, 1938, for discontinuation of the levy of duty on electrical energy consumed for lights and fans at the rate of half anna per unit when the supply is metered, and that the Bengal Electricity Duty Act, 1935, be amended accordingly was ~~then~~ put and lost.

Committee to enquire into Financial Administration and Workings of College Hospitals.

Maulvi ABDUL LATIF BISWAS: Mr. Speaker, Sir, I beg to move that—

"This Assembly is of opinion that a committee consisting of five members, namely three members from the members of the Bengal Legislative Assembly, the Principal, Medical College, Calcutta, and one member with audit qualification, be formed immediately to enquire into the financial administration and the working of the Medical College Hospital, Calcutta, primarily with respect to the preparation of estimates and acceptance of tenders, stock clearance and stock-taking and other matters of allied nature".

Sir, fully conscious of my duties and responsibilities as one of the representatives of this Province in the Bengal Legislative Assembly I have tabled this resolution. No doubt the appointment of any such committee is not called for unless and until there are reprehensible anomalies and culpable acts of omission and commission in the matter of financial administration and the working of so great an institution like the Medical College Hospital. But if it can be shown that some healthy rules promulgated by the Government of Bengal for such administration and working has been given a decent burial by the hospital authorities and instances thereafter are available to indicate that in the financial administration of the Medical College Hospital which spends lakhs and lakhs of rupees every year, drakes and ducks have been played with money, this House, I believe, will give unstinted support to this resolution.

Sir, public money is the blood of the nation and if it can be shown that a good deal of that money is misused, improperly spent and questionable tactics adopted, this House should see the end of that mal-administration. Sir, in order to make my position perfectly clear I draw the attention of the House through you, Sir, to the rules relating to the purchase, supply, maintenance of stores, of the Medical College Hospitals. In section 1(e), (f) and (g) it has been provided that a

junior demonstrator should be in charge of instruments and appliances, surgical appliances and sundries and rum and wine, but I may enlighten the House to see through the game that a complete go-by has been given to the rules and a clerk of the hospital has been placed in charge of those things.

Sir, rule 10 of the same booklet says, "that the tenders are to be submitted in the sealed covers and to be opened before a committee". But I may assure the House that nobody is aware of the existence of any such committee and it may very pertinently be said that the Secretary of the hospital is the real committee and he alone opens the tenders and on his notes the Superintendent acts. If the authority says that there is a Committee, then that Committee must be on paper and the members of such Committee are ignorant of its existence. Necessarily, Sir, the evils of the violation and the disregard of these salutary rules have been manifest in the financial administration and the working of the hospital. One or two examples showing the questionable way of the financial administration and misuse and waste of public money will indicate strikingly the significance and motives of the disregard of those rules. One X-Ray Deep-therapy apparatus was purchased in the year 1938 through Siemens (India), Ltd., at a value of about forty thousand rupees. The said apparatus was booked at Berlin on 14th March, 1938, and reached the Medical College Hospital in the month of April, 1938. But to the utter amazement and surprise of the House I may inform this House that while this instrument was in its transit on its way to India and did not touch the shore of India, a certificate was given by the clerk who was in charge, in violation of the rule on 28th February, 1938, to the effect that the article was received in good condition, and Sir, what is more reprehensive, mean and criminal is this that the full payment was made on 29th March, 1938.

Sir, had the junior demonstrator, who must have been a medical man and not in a subordinate position to the Secretary, been in charge, this thing could not have happened. The only conclusion and irresistible conclusion is this that in order to facilitate the object of the Secretary, the object questionable in its nature, the charge has been given to a clerk subordinate to him. Sir, why was this certificate, which is undoubtedly a false one, given without getting the thing? Nobody takes recourse to perjury and forgery without motive and sordid gains, and the House is to draw its inference from these circumstances.

Now another instance. Twelve Japan-made jars, each of one pound capacity, were purchased on 30th July 1938, at Rs. 12, through Messrs. K. R. Lynch & Co., in suppression of the quotation of Rs. 1-8 per dozen from the Bengal Chemical and Pharmaceutical Works. This thing, Sir, has recently been detected and serious attempts are being made to whitewash the thing. Another instance of a serious nature was detected on 17th February 1939, by the assistant to S. D. D. P. This assistant

while taking over several hundreds of syringes from the same K. R. Lynch & Co., detected that those syringes were purchased at more than double the value and he reported the matter accordingly, but the honourable members of this House will be stupefied to learn that the Secretary had an explanation called from the said assistant as to why he went to question the propriety of the price.

Sir, had the tenders been opened before a Committee according to rule 10, the suppression of lowest tender could not have been effected. I may urge that if a committee of enquiry is appointed, many instances of suppression of tenders at a lower rate and flagrant violation of the rules to suit the purpose of the individuals and instances of unjust waste of public money and maladministration of serious nature will stagger the public and the Government.

Sir, one word regarding condemned articles. My definite information is this that stock is never taken of condemned articles and the register thereof is not shown by the Secretary to the Auditor at the time of the audit. Sir, I am also definitely informed from a reliable source that in case of stock-taking of the condemned articles it will certainly fall short. A great deal of condemned articles disappeared for the reasons which would be proved at the time of enquiry. Sir, I do not like to multiply the instances, because I believe and I have reasons to believe that it is the quality and not the quantity which will go to influence the opinion and the judgment of the House. Again I say and boldly assert that I have tabled the resolution, fully conscious of my duties and responsibilities. Serious allegations have been made regarding the financial administration of the Medical College Hospital. Medical College Hospital is a great institution, but its fair name is still greater. The duty of the Government, the popular Government, is to scrupulously see that the administration, the financial administration, and the working of such a great institution is not stained with dishonesty and its reputation sullied with the mean and rapacious actions of any one.

Sir, my resolution demands an enquiry, fair and impartial enquiry, and does not demand to send anybody to gallows.

In order to vindicate the right cause and to save the administration of Medical College Hospital from the stigma of dishonest disposal of hospital fund, the Government should rise equal to the occasion and accept the resolution I have moved.

In conclusion, I may say that I have not demanded anything which may be called unreasonable and unfair; I have not asked the Government to take any steps which prudence will forbid to do. But I have asked the Government to respond to the just demand and accept moderate proposal. The reports of scandals and maladministration have encircled the financial administration and the working of the

Medical College Hospital, the best of its kind not only in India but in the whole of Asia. It is the bounden duty and heavy responsibility on the part of the Government to remove the cloud of suspicion based on good foundation that have shadowed the good name of the institution by accepting the demand. The resolution aims at the removal of corruption and the establishment of good reputation. So it will be proper for the Government not to oppose but to support the resolution.

With these few words, I commend this resolution for the acceptance of the House.

Mr. ABDUL WAHAB KHAN: Mr. Speaker, Sir, in rising to support the motion of my esteemed friend Mr. Abdul Latif Biswas, I would at the outset say that it is a very modest and reasonable proposal. *Prima facie* it may appear to be startling inasmuch as it is a new move, a new attempt on the part of the Legislature to set up a committee to make inquiries into the corruptions and malpractices of an institution which is regarded as the premier Medical College in India, nay, in Asia, and over which lakhs and lakhs of rupees are spent for the redress and betterment of the suffering humanity, for their timely and proper medical aid, for their necessary nourishment and comforts at a time when they need them most.

Sir, when allegations and definite charges of corruption are made against the management and working of such an institution, I appeal to you and through you to the House to consider if they have been lightly made, particularly when coming as they do from a person with a pronounced sense of responsibility. Should we, members of the Legislature, rest content with delivering budget speeches and expressing pious wishes or passing pious resolutions against corruption or should we devise ways and means to put an end to the canker of corruption which is eating into the vitals and badly damaging the popularity of such a noble institution?

To take one instance out of many, I may say, Sir, that almost every ordinary patient—I mean patients who are not connected with big people—coming out of the Medical College, whom I have met, has complained about the inadequate supply of milk, diet and other nourishments. Rumours of well-laid conspiracies between the agencies of milk supply and the officers of the institution concerned to misappropriate large quantities of milk have come to our ears time and again. Now that the administration of the province has passed into the hands of a popular Government, should they risk their popularity by sitting idle by saying that the matter has been engaging their attention, or should the Government have an enquiry made into these by distinguished persons of trust and responsibility who would apply their judicial mind to the materials placed and arrive at a finding? If the

allegations are found baseless and unfounded, the reputation and prestige of the Ministry and of the institution will be all the more enhanced. If they are found to be true and the culprits can be caught, Government, I believe, will not hesitate to take drastic steps against the delinquents. In that case also Government will be more popular, and the greatest good would be that other branches of the administration, where corruption exists, will be set right. Admitting for the sake of argument that there is no corruption in the institutions that we are talking of, in that case also other institutions, where corruption exists will be set right—at least they will be more cautious if we begin with this. Sir, I am reminded of a Bengali proverb which says that one has to beat the daughter to teach the daughter-in-law.

That is, Sir, all that I have got to say at the present moment, because I feel that, if we go to the details of corruption, the very purpose of setting up a committee will be frustrated.

With these words, Sir, I heartily support the resolution which has been sponsored by my friend.

MR. SANTOSH KUMAR BASU: Mr. Speaker, Sir, before the Hon'ble Minister replies to this debate, may I just draw your attention to one outstanding fact which will necessarily crop up in connection with this question?

So far as this demand for an enquiry is concerned, which is particularly directed against corruption or allegations of corruption, I do not think, Sir, that any reasonable person will resist a proposal of that character. We are always anxious to see that our public services are rendered free from corruption, and, so far as this side of the House is concerned, we shall accord our full support, whenever it is asked for, in bringing about such a condition in our public services that corruption will be a thing of the past. At the same time, Sir, I shall remind this House and the Hon'ble Ministers that this resolution demands a committee of enquiry.

I shall only point out to the Hon'ble Minister in charge of the department concerned that we had an enquiry, a full-dress enquiry, into another matter relating to that particular department, which arose in Dacca. That was an incident which stirred the public opinion of this province to its very foundation—I mean the enquiry made by Mr. Tyson in connection with the affairs in the Dacca Medical School. There was—Sir, I am not going to digress into details—an enquiry which related to the condition of things prevailing there, so far as the position of girl students was concerned *vis-à-vis* the Deputy Superintendent of that institution. Sir, the public had full knowledge of the nature of that enquiry. Reports used to be published from day to day in the newspapers, and the whole province was agog with enthusiasm as to what

the result of that enquiry might be. But unfortunately, Sir, that report has been suppressed—we do say that it has been deliberately suppressed—and although everybody in this province, who is interested in the welfare of our girl students, was anxious to find out what the opinion of the enquiring officer was with regard to that matter, that enquiry report has up till now not seen the light of day!

I hope, Sir that such a fate will not await the present committee which is intended to be formed by this resolution. I do not know whether this resolution has been occasioned by the fact that the particular officer concerned belongs to a particular community, and it might be suggested that the other report would remain a sealed book because the officer concerned in that enquiry happened to belong to another community! I am not at all anxious to raise communal questions here. (Mr. ABDUL WAHAB KHAN: But you have done it already! The mischief is done!) Yes, if the mischief is done, it was long overdue. It ought to have been done long, long ago. I am only sounding a note of warning. If you are anxious to have enquiries and reports, be careful that you come out with the reports and not make any distinction as regards the subject-matter—whether the persons concerned belong to one community or another—in bringing the report of the committee to its final fruition and in placing it before the public. (Mr. ABDUL WAHAB KHAN: We did not expect that from you!)

The Hon'ble Mr. TAMIZUDDIN KHAN: Mr. Speaker, Sir, when this resolution was tabled by my honourable friend, I had no idea that certain specific allegations would be made. The request in the resolution was simply to make an enquiry into the financial administration of the Medical College Hospitals. So far as that administration is concerned, Government had no reason to suspect that there was anything wrong anywhere.

For the edification of the House, I should like to state how the financial administration of the Medical College Hospitals is being carried on. The arrangement about the financial administration and working of the hospitals can hardly be improved upon. The rules which were framed by Government after a Special Officer of the Accountant-General, Bengal, had inspected the working of the hospitals, in consultation with the Accountant-General, are quite elaborate and provide for adequate check and scrutiny in all matters. It need only be mentioned that regarding the estimates and tenders for various supplies which appear to be the target of the mover, there is a committee consisting of the Superintendent, the Secretary, Medical College Hospitals, who possesses high audit qualifications, and the Resident Surgeon. Tenders are accepted after careful scrutiny and reports from police.

As regards the dietary articles, the Diet Conference presided over by the Surgeon-General and composed of all Superintendents of State Hospitals in Calcutta scrutinises the rates and standing of the various tendering firms.

With regard to medicines, instruments, etc., the estimates and the tenders are examined by Government in this department in consultation with the Finance Department.

The comprehensive rules about stock taking and stock clearance framed by Government are strictly followed. Government had a Special Officer deputed by the Accountant-General in 1932 to closely examine the working of the hospitals and lay down rules which were framed in 1933. There is also a Visiting Committee consisting mainly of non-officials presided over by the Member, Board of Revenue. The members of the committee hold regular inspections of the working of the hospitals. Meetings of that committee are held quarterly and suggestions for improvement in all matters connected with the hospitals and the comfort and convenience of patients are made for consideration by Government.

Sir, in these circumstances, as I have said, there was no suspicion in my mind that there was any necessity for an enquiry as requested in the resolution of my honourable friend. But in the course of the speech that he has made, he has brought forward certain charges of a serious nature. Sir, as far as I know, I am suspicious about the correctness of these charges. (Mr. ABDUL WAHAB KHAN: You need not be suspicious!) (A voice from the Krishak Proja benches: Even without making an enquiry?) Yes, even without an enquiry, because there are these elaborate rules, checks, and inspections, and I think that in the face of all these safeguards it is not likely that things as alleged by my honourable friend have actually occurred. But my friend who has tabled this resolution is a responsible member of this House, and he must have made these allegations with a full sense of responsibility. Not only my honourable friend Mr. Abdul Latif Biswas has brought forward these charges, but these have been supplemented by my honourable friend Mr. Abdul Wahab Khan, and my friend Mr. Sanjosh Kumar Basu also has said that as charges of a serious nature have been brought, in propriety Government cannot refuse an enquiry. Therefore, I think that in these circumstances, unless an enquiry is made, an impression may go round that perhaps there is something wrong in the administration of the Medical College Hospitals. Sir, it is only with the object of vindicating the reputation of the Medical College Hospitals that I am prepared to make an enquiry into the matter, as suggested. I would also like to state that Government are as anxious to put down corruption, bribery, jobbery or anything of the kind as any member of this House. But I would also warn honourable members that when they bring forward any specific allegation, they

should be well posted with their facts. Allegations of a serious nature should not be made light-heartedly and I hope in this case, the allegations have not been made light-heartedly at all. Sir, it is really surprising that in referring to this resolution, my honourable friend, Mr. Santosh Kumar Basu, could not resist the temptation of referring to another enquiry that was held some time ago into certain allegations about a medical officer connected with the Dacca Medical School. (Mr. SANTOSH KUMAR BASU: Why not? It gave me an opportunity.) In connection with that, Mr. Basu raised a communal question. He raised that question and yet, a shrewd lawyer as he is, he pretended to say he would not like to raise it.

Mr. SANTOSH KUMAR BASU: And the reply has been like a shrewder lawyer.

Rai HARENDRA NATH CHAUDHURI: Mr. Basu raised this question because of the deliberate suppression of the report.

The Hon'ble Mr. TAMIZUDDIN KHAN: My friend, Mr. Chaudhuri, says that the report has been suppressed. I say that the report has not been suppressed but the report has not been published (Hear, hear from the Opposition Benches) with the same object that is dear to my honourable friends. It is in the interests of the good name of the institution itself that Government did not think it fit to publish the report—

Rai HARENDRA NATH CHAUDHURI: Let the people judge.

The Hon'ble Mr. TAMIZUDDIN KHAN: But there is a question pending for answer about the report and about the steps which Government have taken with regard to the report. That question has certainly been pending for a long time but Government will come forward with a reply very soon and I hope the House will be satisfied. I again repudiate, with all the emphasis that I can command, the suggestion made by my honourable friend, Mr. Basu, that it was any communal consideration that weighed with the Government in dealing with the matter in the way they did. My friend also suspects in the present case that Government will not probably deal with the matter squarely and fairly because a gentleman belonging to a particular community may be—

Mr. SANTOSH KUMAR BASU: I strongly repudiate the suggestion which the Hon'ble Minister has put into my mouth.

The Hon'ble Mr. TAMIZUDDIN KHAN: That is the clear insinuation which my friend has made—

Raj KARENDRA NATH CHAUDHURI: On a point of order, Sir. When a speaker disowns having said a particular thing, does it lie in the mouth of the other side to repudiate that? Is he not bound to accept that according to parliamentary convention?

The Hon'ble Mr. TAMIZUDDIN KHAN: Did he not raise the communal question and did he not say that in this particular case, Government should not be influenced by the consideration of the fact that this gentleman belongs to a particular community? Did he not raise that question?

Mr. SANTOSH KUMAR BASU: I refuse to be cross-examined by the Hon'ble Minister. He may adopt any method he likes to pander to the communal frenzy of his friends.

The Hon'ble Mr. TAMIZUDDIN KHAN: I again raise my voice of protest against the insinuation of my honourable friend. I think it is extremely surprising that an honourable member of this House after having made a certain allegation should neither withdraw it nor allow his opponents to comment upon it. That is certainly a very peculiar position that my honourable friend wants to take up in this case. I can only say that so far as this Government are concerned, no communal considerations will weigh with them in any manner and that it is only the considerations of justice and fairness that will be the deciding factors in any matter that this Government may deal with (Mr. SANTOSH KUMAR BASU: With the Dacca Enquiry also, I hope.) Yes, with everything. As regards the attitude of the Government with regard to the resolution under discussion, I have already made my position clear.

The motion of Maulvi Abdul Latif Biswas that this Assembly is of opinion that a committee consisting of five members, namely, three members from the members of the Bengal Legislative Assembly, the Principal, Medical College, Calcutta, and one member with audit qualification, be formed immediately to enquire into the financial administration and the working of the Medical College Hospitals, Calcutta, primarily with respect to the preparation of estimates and acceptance of tenders, stock clearance and stock-taking and other matters of allied nature, was then put and agreed to.

Replacement of Government of India Act by Constituent Assembly.

Mr. MD. ABUL FAZL: Sir, I beg to move that this Assembly is of opinion that the Government of Bengal should request the Government of India to forward to His Majesty's Government the expression of opinion of this House that the Government of India Act of

1935 should be replaced by a Constituent Assembly elected on the basis of adult franchise, which may allow the people of India full scope for development according to their needs and desires; and that for transitional purposes this Assembly hopes that His Majesty's Government will set up a Central Government free from the objectionable features of the Federal Scheme as laid down in the Government of India Act, 1935, to be evolved in consultation with the Provincial Governments and national leaders.

What are the objectionable features of the Federal Constitution? There is no Upper House in any of the provinces with the same powers over the purse as the Lower House. There is no indirect election to any of the provincial Lower Houses. Indian Rulers do not send their nominees to any of the Provincial Legislatures. There are no reserved subjects in the provinces. Eighty per cent. of the provincial revenues are not mortgaged to the reserved subjects. No big subject like Railways or Currency or Exchange is handed over to outside authorities like the Federal Railway authority or the Reserve Bank of India in the provinces. No Provincial Governor has any special safeguards for the financial stability of any province. No commercial safeguards which limit mercilessly the powers of an Indian Commerce Minister in the Federation, handicap the Provincial Ministers. Defence, which hurts the self-respect of India, is not a provincial problem.

All these and other ugly features are present in the Federal Constitution and we see no change of heart in the present Government of India showing the possibilities of any co-operation. The ruthless views of the Governor-General and his advisers on the Governor-General's powers regarding legislation at the Centre, for example, the Income-tax Bill, under the clauses of the Government of India Act, 1935, which are coming into force even without the inauguration of Federation; the statement made by the Government of India about the Congress Working Committee's resolution on the rupee ratio and the appointments to the Viceroy's Executive Council, even though for a short period, all alike show that in spite of the Viceroy's desire as expressed in the Calcutta speech of December last, to secure good-will and co-operation, there is no attempt on the part of the Government to secure the same.

So the Viceroy's appeal to India for collaboration, even to those who may sincerely doubt the value of the Federal scheme and for trust—trust in the sincerity of those by whom the scheme has been devised, trust in the good-will and good faith of those by whom it falls to be carried out, I would humbly reply by quoting an English proverb—"trust begets trust." Let the Viceroy trust the Indian leaders, let the Viceroy persuade the Indian States—

Mr. SPEAKER: The Viceroy's speech is not the subject matter of discussion now, so you should not discuss it here. You may make a mention of it incidentally.

Mr. MD. ABUL FAZL: Let the Political Department not stand between the rulers and their people and let the Viceroy remove the ugly features, I have mentioned above. They may all be done even without amendment of the Act, but England must learn to trust India, not only to govern herself but to decide freely for herself her own future political destiny. But this is not to be.

Sir, like the Indian National Congress, we do not recognise the right of the British Parliament to frame the constitution of the Government of India. We also unconditionally reject the Government of India Act of 1935.

The down-trodden people deprived of even the fundamental rights of humanity, oppressed and exploited by the privileged few, want complete emancipation from economic bondage. All political organisations of India have made independence as their goal. If independence is meant for this vast pauperised masses, we shall have to take up all national and international problems, as the Indian struggle is closely linked up with the huge struggle waged outside against Imperialism, study every objective conditions carefully, analyse every economic factor, watch each and every concrete situation, ascertain the root cause of economic crisis, world depression, and contradictions in the existing social order, and adopt a scientific course of action.

These economic and other problems which press insistently on masses cannot find solution nor can India get rid of her poverty and keep pace with the modern progress unless people have full opportunities of self-development and growth which independence alone can give. The inherent right and dignity of the people also demand this full freedom.

No other constitutions or attempted solutions of the problems can be accepted by the Indian people. We, like the Indian National Congress, are of opinion that in view of the situation in India, the organised strength of the national movement, the remarkable growth of the consciousness of the masses, new awakening among the people of Indian States as well as the rapid development of the world situation, the time has come for the full application of the principle of self-determination to India, so that the people of India might establish an independent democratic state by means of a constituent assembly.

Provincial Autonomy affords no such scope for development and its capacity for good is being rapidly exhausted. The proposed federation strangles India still further and should not be accepted. We are therefore firmly of opinion that the whole of the Government of India Act must give place to a constitution of free India-made by the people themselves.

An independent and democratic India will face the solution of our great problems rapidly and effectively and will line herself with progressive peoples of the world and thus aid the cause of democracy and freedom.

Sir, I commend the resolution for the acceptance of the House.

DR. NALINAKSHA SANYAL: I beg to move, by way of amendment, to Resolution No. 6 that in line 5 after the words "replaced by" the words "a constitution framed by" be inserted and that the following be added to the resolution, namely:—

"and further that pending the final decision of His Majesty's Government in this respect no attempts should be made by the Provincial Government to further the introduction of the Federation as contemplated under the Act at present."

My amendments are thus really two independent amendments. The first amendment refers to a verbal change, because I felt that the wording of the resolution as given notice of had left out a few words. After the words "replaced by" I wanted to add the words "a constitution framed by," because without these words the resolution as circulated would not have any definite meaning. Thereafter towards the end of the resolution I want to add the following words "and further that pending the final decision of His Majesty's Government in this respect no attempts should be made by the Provincial Government to further the introduction of the Federation as contemplated under the Act at present."

In moving these two amendments I must make the position of myself as well as that of the Congress party clear. It is well known that the Congress stands committed to oppose the Federation tooth and nail. The President of the Congress and the resolutions adopted at various meetings of the Congress have condemned the federation unequivocally—

Majlvi MUHAMMAD ISRAIL: Not the right wingers.

DR. NALINAKSHA SANYAL: All wings of the Congress; there is no difference of opinion in this respect. Along with the Muslim League the Congress have condemned the present scheme of federation in no unequivocal terms. Accordingly, I had given notice of a resolution myself which was drafted carefully. That resolution was printed as Resolution No. 38. The wording of the resolution was as follows:—

"This Assembly is of opinion that steps should be taken to represent to the proper authorities that the present Constitution under the

Government of India Act, 1935, should be replaced by one, framed on the basis of national independence, by the people of India through a Constituent Assembly elected on Adult Franchise; and that so long as suitable modifications are not made in the present provisions for a Federal Government at the Centre the Provincial Government should take no part in the introduction of the second part of the Act relating to the Federation of India."

The position is perfectly clear. I would not, as you have ruled that we should not at this stage, enter into the discussion of the merits of federation as enunciated or contemplated in the Government of India Act. I would only submit that no section of the population in India have accepted the scheme proposed in the Government of India Act for a Central Government of the country. It is only fair therefore that suitable representations should be made as far as possible to get that part suitably modified. So far as we are concerned, we do not believe that any just constitution, any fair constitution, is likely to come through the hands of the Parliamentary draftsmen sitting thousands of miles away, and we repudiate the claim of the Britishers to govern us in this country according to a constitution they choose to frame and therefore the resolution proposed by my esteemed friend Mr. Abul Fazl is that we must approach the proper authorities not to frame a constitution themselves for us but to get a constitution adopted in accordance with the desires of the people of India based on adult franchise devised by a constituent Assembly. That is to say, we want complete self-determination in framing our own constitution. Thereafter my friends suggests that in the intervening period, so long as that constitution has not been framed and adopted and put into operation, the Central Government should be constituted according to certain scheme. So far as that policy is concerned, I have some misgivings, because I do not quite follow how a Central Government can be constituted at this stage without further Parliamentary legislation being modified consequently. I want to go to the root of it. The Provincial Governments have a responsibility in the matter some of them very clearly stated that so far as the responsible Provincial Governments of the Provinces are concerned, they refuse to co-operate in a matter in which the people of every section have found certain difficulties. Our Provincial Government should also refuse to help in the introduction of the federal part as it is now contemplated. That is all. I do not propose to take much time of this House, because at this fog end of a strenuous day I think it is only fair that we should go with a feeling that we have come to a resolution which is acceptable unanimously to the whole House. I know that probably, following the previous practice as my esteemed friend the Hon'ble the Home Minister has already adopted in the past, he will say that so far as this resolution is concerned Government members as such will keep neutral. They will not take any part, nor they will make any

observation. They will simply forward the debates to the proper authorities through His Excellency. I trust with that attitude this resolution will be unanimously adopted by this House.

Mr. SPEAKER: This is a very important resolution. It is already 7-50 p.m. I have got just 10 minutes. I want to know whether the House wants to sit a little later.

Mr. HARENDRA NATH CHAUDHURI: It is already too late.

Mr. SPEAKER: Then I will call on Sir Nazimuddin to reply.

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no question of Government replying. The attitude of the Government has already been explained.

Mr. SPEAKER: Is that the attitude?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. SPEAKER: Then I will ask a member from each side to speak for five minutes.

Mr. HARIPADA CHATTOPADHYAY: Sir, I wholeheartedly support the amendment moved by my friend, Dr. Sanyal.

Mr. MD. ABUL FAZL: I accept the amendment.

Mr. HARIPADA CHATTOPADHYAY: Sir, our demand for the rejection of the constitution is based on a hearty disbelief in the spirit that permeates the constitution. Constitution-making is no new thing in our poor enslaved country and we remember with bitterness all that went in constitution-making. We can never forget the history of the constitution-making. After all, who are the people for whom this constitution is made? Illiteracy, disease, starvation has become the order of the day. Years of plunder and loot in the name of so-called Government, in the name of Law and Order, have turned a healthy prosperous land, well-watered, ever green as the poets used to describe, into a desert where to-day famished half-naked skeletons roam like so many phantoms. Wherefrom comes the fabulous wealth of England to-day? Has not the blood of our motherland been made to flow into the arteries and veins of England. For England to talk of honouring the liberty and independence of another land? For England to talk of democracy and to talk of framing a constitution? I have no sympathy

for Herr Hitler but is he not absolutely right when he compares England to a bad woman who professes virtue at her old age? And even at her old age, look at the difference between the practice and profession of this good lady!

Not long ago the last world war was fought. India's blood was shed on the field of Flanders, India's gold was packed off to the coffers of the Bank of England, to save the honour of England. Was not England fighting for the honour of all weak nations? Tall talks which her statesmen indulged in and which echoed and re-echoed and reverberated throughout the length and breadth of the world are still ringing in our ears. But what is her practice? This mock constitution has been thrust on us. Thousands and thousands were put to jail, omnibus punishment, fines, searches, curfew orders, illegal lathi charges, snatching away of poor men's chattel and cattle became the order of the day. And this is the era of appeasement! Poor men's money was spent like water—

Mr. SPEAKER: You must discuss the future constitution.

Mr. HARIPADA CHATTOPADHYAY: I hold that to the injury that was done to us insult has been added. We demanded liberty and bread and for that, this constitution is offered in the name of appeasement. I, therefore, hold that I am in order.

And the insult is not a small one. If we search the records of all the countries, the world over, nowhere shall we find a parallel of this wretched constitution. Hedged in by safeguards, the constitution has divided the people by means of separate electorates to that the invisible hands of our foreign masters can still hold the reins of Government. Think for a moment the condition of Bengal. Who rule the country? The European members who sit there. How could they come here? Whom do they represent? Sixteen lakhs of people of Nadia have sent me here but how many are behind each of these merry group of thirty. One has heard of 13-cubit seeds of a 12-cubit melon, but now it seems a 12-cubit melon can have even 20-cubit seeds.

If any change has been brought by this constitution, that change is for the worse. Cost of the top-heavy administration has increased still more indeed.

The foreign army, the army of occupation must still remain—and not to speak of this even over the Indian army Indians will have no say. India's foreign policy will not be controlled by Indians. The railways must be in other hands. And topping all these is the monstrous scheme of Federation where the condition of the poor men who always pay but cannot call for the tune has been made still worse. Cost of administration must increase indeed; more taxes the people

must pay; though their back bends over the weight of them yet they must not have any control over the purse and must remain content as drawers of water and hewers of wood.

Bengal was once the pioneer in freedom's battle and therefore Bengal must be taught a lesson. The constitution has purposely been so framed that reactionaries, who have never sacrificed anything in their lives for the cause of freedom but always are wont to dance in tune with their masters' music, must come in prominence. Decent people laugh at the performance of these esteemed gentlemen. Mere big captions like Home Minister, Finance Minister, Revenue Minister, etc., do not help us.

Mr. SPEAKER: You are going into provincial matters. .

Mr. HARIPADA CHATTOPADHYAY: They are also part of the scheme.

Mr. SPEAKER: No.

Mr. HARIPADA CHATTOPADHYAY: Sir, the constitution has brought no help and relief to the suffering millions of my countrymen. It has brought relief of course to some esteemed gentlemen and their relatives. These gentlemen sell the interest of their own country for their own personal benefit.

Mr. SPEAKER: I am afraid I must say that I hold that you are out of order now. (Laughter.)

Mr. HARIPADA CHATTOPADHYAY: I bow to your ruling.

Sir, this constitution prepared by our foreign masters suiting their own interest should be discarded by us. The suffering millions must prepare their own constitution. And in their name, Sir, let us demand a constitution which will be based on adult franchise which will make real men of us, when Assembly Members will be so many selfless servants—

(Here the member having reached the time-limit, resumed his seat.)

Maulvi ABUL HASHIM: Mr. Speaker, Sir, my friend Dr. Sanyal has proposed that the present constitution should be replaced by one based on national independence. So far, we agree with him. He further proposes that the constitution should be framed by a constituent assembly of India based on adult franchise. It will be a really very happy thing for us if we are able to give expression to the genuine needs of the Indian people through a constituent assembly based on adult franchise. But, Sir, where is that constituent assembly? When

is it going to be formed? My friend has talked of democracy. Sir, my humble submission is this that democracy is a very nice thing, but unfortunately in this world of ours, nothing is absolutely good for every clime and in every place. Democracy presupposes the existence of a very highly cultured people living in harmony with each other. However unpleasant it may be, it is no good shutting our eyes to hard realities of fact. Unfortunately for us, we are divided into groups and sections—jealous of each other and fighting with each other. Dr. Sanyal has said that the Indian National Congress along with the Muslim League has condemned the suggested Federation. It is so, Sir, but I believe the reasons are not the same. If we are working out a constitution, in case we are fully satisfied with it, nothing will be more welcome than to have a constitution based on national independence. But, Sir, this nationalism has now degenerated into something which I need not mention.

So far as Indian nationalism is concerned, I have got some definite views on this matter. I think Indian nationalism will, at the present moment, be something highly artificial. I do not think there is anything common between ourselves, the people of Bengal and the Mahrattas beyond the fact that we live within certain territorial boundaries. Sir, we, the Moslems, are definitely of opinion that circumstanced as we are, until real peace and harmony is established between the different communities and classes in India, we, the Moslems, must have a constitution which may be based on independence, but must also be on a separate electorate basis. It is no doubt a very unpleasant thing, but the fact is that we have no confidence in each other. It is for this reason that I am able to agree with my friend, Dr. Sanyal, so far as the granting of a special constitution to India through a constituent assembly based on adult franchise is concerned. Here, in India, where 99 per cent. of the population are illiterate, one can well think of the quality of adult franchise. We may first prepare ourselves for having adult franchise and nothing would be happier than when we have it. But the fact is that at the present moment we are not fit for adult franchise. With regard to the future constitution, there may be a constituent assembly consisting of all parties and all opinions based on separate electorates. So far as we, the Moslems, are concerned, if there was a question of complete independence for Bengal, Bihar, the United Provinces and the Punjab, that would have been quite a different thing. But, Sir, Dr. Sanyal will also agree with me that, not only are the Hindus and Moslems now fighting with each other, but there is also a good deal of provincialism throughout. The other provinces are not on friendly terms with Bengal, with regard to which the Congress members from Bengal had a bitter experience at Tripuri. That is the reason why we, the Moslems, want separate electorate and also because Indian nationalism will have a high command somewhere else from

where they will issue commands which we will have to obey without any protest. In view of these observations, I am unable to accept and support the amendment of Dr. Sanyal, as it has been drafted. But in its essence, so far as having national independence is concerned, we entirely agree with him. We are prepared to accept a constituent assembly based on separate electorates for the different classes and communities and I think that a constituent assembly not based on adult franchise but based on separate electorate will be of great benefit to us. Otherwise, if there is general adult franchise, we are afraid, only the heads will be counted, and the causes of the minorities will be trampled down under foot. (Dr. NALINAKSHA SANYAL: We, the minorities here, are prepared to suffer). But I think my friend is talking of a democracy which, I understand, is a thing which disregards the interests of the minorities. What I mean by democracy, however, is a thing of the people, by the people and for the people, and the people includes all sections and classes of the population.

Mr. NIHARENDU DUTTA MAZUMDAR: Mr. Speaker, Sir, on a resolution embodying the most momentous political issue that is facing India to-day, I believe this House, in common with all the elected Legislatures in India, whether the Ministries there are Congress Ministries or non-Congress Ministries, shall take a view-point which will not be coloured by sectional or communal or narrow partisan interests but will certainly be inspired by the wider interests of nationalism. I take it that this is the particular consideration, this is the stand-point that has been expressed by the Hon'ble Home Minister when he said that he does not wish to make it a point of party politics but to leave it to the sense of the House to give expression to their opinion as they like, and I may mention that I want to make sure that the members of the Government, at least on this occasion, will agree with me that on an issue like this it is not a question of confidence or no-confidence in the Ministry, but that it is a question of confidence or no-confidence in our national self-respect. We, amongst ourselves, may raise questions and issues of communal claims and counter-claims. But I believe there is this much of confidence in the self-reliance of all the communities in India, whether they are in a majority or in a minority, as to advance any claims and counter-claims and to fight out for themselves. But when it is a question of the principle of self-determination, when it is a question of national self-respect and national freedom, I believe, Sir, that India will refuse to be divided into Hindus and Moslems just as I believe that the period when India fell a victim to foreign Imperialist domination, there was no question of communal division in Bengal. Sir, when Bengal became the first foothold of British Imperialism in India, Bengal was not divided as between Muslims and Hindus but Bengal was divided as between those who were the

supporters of foreign imperialism and those who were opposed to it. I want both the Hindus and the Moslems to look back with pride to those days when in the field of Plassey the Hindus and Moslems combined to fight against British Imperialism. If you want to establish communal rights, if you want to fight for any communal rights whatsoever, by all means fight, and fight it out amongst ourselves. But when it will be a question of Clives and Hastings, let us not take our stand as Mirjafars, but let us fight for India's freedom. An issue of that nature is fast coming to-day, and from that point of view I appreciate the standpoint which the Bengal Ministry has adopted on the question of discussing this resolution, and I should like to add only this that the principle underlying this resolution, viz., the principle of India's right to self-determination and complete rejection of the constitution framed by the British Parliament is a principle accepted in common by the Congress, the Muslim League and all the other political organisations in India. There is not one single organisation on which the British can rely except perhaps trying to set up certain hired gangs, trying to set up modern Mirjafars, in order to maintain their imperialist domination over India, and, therefore, on this issue there should be no division amongst ourselves. But the resolution, as it is framed, I believe, in one very important respect, may be construed, although on the question of its underlying principle there is no difference whatsoever, as a sort of an appeal to the British Imperialist Government to allow us to have a Constituent Assembly. Speaking as a realist in the light of cold reasoning, I can say that the constitution under the Government of India Act has been framed not with a view to support the principle of self-determination but to safeguard the interests of British Imperialism in times of war, and therefore the sanction behind the Government of India Act is not a moral sanction, but the sanction of the British armed forces with a view to safeguard their own interests. It will not hesitate for a moment to raze Arabia, barter Palestine and ravish Albania through the commission of a secret pact with Italy. The chief culprit in the recent outrage on Albania is Great Britain herself. It is with the connivance of British Imperialism itself that Mussolini dared to march his soldiers across the Adriatic into Albania. I, therefore, say, Sir, that we do not appeal to the British Parliament.

(At this stage the member reached the time-limit.)

May I have half a minute more, Sir, to finish my speech?

MR. SPEAKER: All right.

MR. NIHARENDU DUTTA MAZUMDAR: Thank you, Sir.

We warn the British Parliament that any attempt to foist a constitution on India will be resisted by the people of India united together.

With our whole might we will rely on our national strength, and for this purpose we shall have to raise a National Militia composed of Muslims and Hindus and all the communities of India combined together. It is the sanction of this National Militia which will give us independence and Constituent Assembly, and certainly by no appeal to British Imperialism we shall be able to achieve this.

(At this stage the member having reached the time-limit, resumed his seat.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Government do not propose to take any part in this debate, nor do they wish to express any opinion, because this is a matter which is not the immediate concern of Government or within their control. Therefore, Sir, Government do not propose to take any part in the debate.

Mr. SPEAKER: First, there is the amendment of Dr. Nalinaksha Sanyal. It has really two parts. I may say that, so far as the first part is concerned, it is really consequential; otherwise, the resolution will be meaningless. I shall, therefore, put the first part of Dr. Sanyal's amendment, so that the House may decide for itself what to do.

Mr. MD. ABUL FAZL: Sir, I accept the amendment.

Mr. SPEAKER: You cannot accept the amendment; it is the House alone which can do so.

The motion of Dr. Nalinaksha Sanyal that by way of amendment to resolution No. 6, in line 5, after the words "replaced by" the words "a constitution framed by" be inserted was then put and agreed to.

The motion of Dr. Nalinaksha Sanyal that the following be added to resolution No. 6, namely:—

"and further that pending the final decision of His Majesty's Government in this respect no attempts should be made by the Provincial Government to further the introduction of the Federation as contemplated under the Act at present",

was then put and a division claimed by Mr. Abdul Karim.

Mr. Khwaja SHAHABUDDIN: I may inform you, Sir, that we do not want a division, and that it has been asked through a misapprehension.

Mr. SPEAKER: Then you do not press it. Are you prepared to withdraw your claim to a division?

Mr. ABDUL KARIM: Sir, I withdraw my claim to a division.

Mr. SPEAKER: In that view of the matter, I declare the amendment carried.

The resolution of Mr. Md. Abul Fazl, as amended by the motion of Dr. Nalinaksha Sanyal, namely:—

“that this Assembly is of opinion that the Government of Bengal should request the Government of India to forward to His Majesty's Government the expression of opinion of this House that the Government of India Act of 1935 be replaced by a constitution framed by a Constituent Assembly elected on the basis of adult franchise, which may allow the people of India full scope for development according to their needs and desires; and that for transitional purposes this Assembly hopes that His Majesty's Government will set up a Central Government free from the objectionable features of the Federal Scheme as laid down in the Government of India Act, 1935, to be evolved in consultation with the Provincial Governments and national leaders and further that pending the final decision of His Majesty's Government in this respect no attempts should be made by the Provincial Government to further the introduction of the Federation as contemplated under the Act at present”,

was then put and a division taken.

Dr. NALINAKSHA SANYAL: Sir, before you declare the result of the voting, may I rise on a point of order? It was the general desire of the House to accept my amendment and my amendment was based on a certain contingency. The House having accepted my amendment, I submit that the will of the House was expressed definitely when my amendment was put to vote and the subsequent change of the desire of the House on a different motion might be taken to be contrary to what the House decided a few minutes ago. I, therefore, submit that voting on the main resolution with my amendment, as accepted, can only be on the “Ayes” side and cannot be on the “Noes” side; otherwise, the effect of the acceptance of my amendment will be nullified.

Mr. SPEAKER: I think, Dr. Sanyal, I would have given a decision if you had not laughed at the last moment!

Mr. JOGESH CHANDRA GUPTA: Sir, there is another thing which has puzzled us. We have heard of neutrality and armed neutrality but what sort of neutrality did we witness this evening when the Hon'ble Ministers, who were supposed to remain neutral, were busy sending their men to the “Noes” lobby.

•**Mr. SPEAKER:** Order, order. The House has divided with the following result:—

AYES—62.

Abdul Wahed, Maulvi. °
 Abu Hossain Sarkar, Maulvi.
 Abul Fazi, Mr. Md.
 Ahmed Khan, Mr. Syed.
 Asimuddin Ahmed, Mr.
 Banerji, Mr. P.
 Banerjee, Mr. Pramatha Nath.
 Banerji, Mr. Satya Priya.
 Banerjee, Mr. Sishu Nath.
 Banerjee, Dr. Suresh Chandra.
 Barma, Bahu Premhari.
 Barman, Bahu Shyama Prasad.
 Barman, Bahu Upendra Nath.
 Basu, Mr. Santosh Kumar.
 Biswas, Bahu Lakshmi Narayan.
 Biswas, Mr. Rasik Lal.
 Biswas, Mr. Surendra Nath.
 Chakrabarty, Bahu Narendra Narayan.
 Chattopadhyay, Mr. Haripada.
 Chaudhuri, Rai Narendra Nath.
 Das, Bahu Mahim Chandra.
 Das, Bahu Radhanath.
 Das Gupta, Bahu Khagendra Nath.
 Das Gupta, Srijut Narendra Nath.
 Datta, Mr. Dharendra Nath.
 Deolai, Mr. Narendra Nath.
 Dutta, Mr. Sukumar.
 Dutta Mazumdar, Mr. Niharendu.
 Emdadul Haque, Kazi.
 Ghose, Mr. Atul Krishna.
 Giasuddin Ahmed, Mr.
 Gupta, Mr. Jogesh Chandra.
 Hasan Ali Chowdhury, Mr. Syed.
 Jalaluddin Hashemy, Mr. Syed.

Jalan, Mr. I. D. °
 Kumar, Mr. Atul Chandra.
 Kundu, Mr. Nishtha Nath.
 Maiti, Mr. Nikunja Bahari.
 Maitra, Mr. Surendra Mohan.
 Majumdar, Mrs. Homaprasa.
 Mandal, Mr. Amrita Lal.
 Maniruzzaman Islamabadi, Maulana Md.
 Maqbul Hossain, Mr.
 Mukherji, Mr. Dharendra Narayan.
 Mukherjee, Mr. B.
 Mukherji, Dr. H. C.
 Mukherji, Dr. Sharat Chandra.
 Mukherji, Srijut Ashutosh.
 Naskar, Mr. Hom Chandra.
 Nausher Ali, Mr. Syed.
 Pramanik, Mr. Tarinicharan.
 Ramizuddin Ahmed, Mr.
 Roy, Mr. Charu Chandra. °
 Roy, Mr. Dhananjoy.
 Roy, Mr. Kamal Krishna.
 Roy, Mr. Kiran Sankar.
 Roy, Mr. Kishori Pati.
 Roy, Mr. Manmatha Nath.
 Sanyal, Dr. Nalinaksha.
 Sanyal, Mr. Sasanka Sekhar.
 Sen, Bahu Nagendra Nath.
 Shahedali, Mr.
 Shamsuddin Ahmed, Mr.
 Singha, Bahu Kehetra Nath.
 Sinha, Srijut Manindra Bhuvan-
 sur, Mr. Narendra Kumar.
 Waller Rahman, Maulvi.
 Zaman, Mr. A. M. A.

NOES—76.

Abdul Aziz, Maulana Md.
 Abdul Haiz, Mr. Mirza.
 Abdul Majid, Mr. Mja.
 Abdul Hakim Vikramপুরi, Maulvi Md.
 Abdul Hamid, Mr. A. M.
 Abdul Jabbar, Maulvi.
 Abdul Kadir, Mr.
 Abdul Latif Biswas, Maulvi.
 Abdul Majid, Mr. Syed.
 Abdul Wahab Khan, Mr.
 Abdul Rahman, Khan Bahadur A. F. M.
 Abdul Raheed Maulvi, Md.
 Abdul Rauf, Khan Sahib Maulvi S.
 Abdul Rauf, Mr. Shah. °
 Abdul Razzak, Maulvi.
 Abbas Shabood, Maulvi Md.
 Abdur Raza Chowdhury, Khan Bahadur Maulvi.
 Abul Noshim, Maulvi.
 Abul Nozja Ahmed, Mr.
 Akbar Ali, Mr.
 Ahmed Ali Mirza, Maulvi.
 Alimuddin Ahmed, Khan Bahadur Maulvi.
 Aminullah, Khan Sahib Maulvi.

Amir Ali Mia, Maulvi. Md.
 Ashrafah, Mr. M.
 Aulad Hossain Khan, Maulvi.
 Azhar Ali, Maulvi.
 Barot Ali, Mr. Md.
 Clark, Mr. J. A.
 Das, Mr. Anukul Chandra.
 Das, Rai Sahib Kirit Bhuvan.
 Das, Bahu Debendra Nath.
 Farhat Bano Khanum, Begum.
 Fazlul Quader, Khan Bahadur Maulvi.
 Fazlur Rahman, Mr.
 Fazlur Rahman (Mymensingh), Mr.
 Gomes, Mr. S. A.
 Haizuddin Chowdhury, Maulvi.
 Hamiduddin Ahmed, Khan Sahib.
 Hasina Marshed, Mrs., M. B. E.
 Hoteemally Samadar, Khan Sahib Maulvi.
 Houdry, Mr. Davis.
 Hirtol, Mr. M. A. F.
 Idria Ahmed Mia, Maulvi.
 Jafaruddin Ahmed, Mr.
 Kabiruddin Khog, Khan Bahadur Maulvi.

Kaseem Ali Mirza, Sahibzada Kawan Jah Syed.
 Mubazzuddin Ahmed, Dr.
 Mubazzuddin Ahmed, Mawvi.
 Mubazzuddin Choudhury, Mawvi.
 Mubtashuddin Ahmed, Khan Bahadur Mawvi.
 Mandel, Mr. Banku Behari.
 Mandal, Mr. Jagat Chandra.
 Mozammel Haq, Mawvi Md.
 Muhammad Afzal, Khan Sahib Mawvi Syed.
 Muhammad Ibrahim, Mawvi.
 Muhammad Ishaque, Mawvi.
 Muhammad Ismail Mawvi.
 Muhammad Siddique, Khan Bahadur Dr. Syed.
 Muttick, Mr. Pulin Behary.
 Mustagawwal Haque, Mr. Syed.

Mustafa Ali Durrani, Mawvi.
 Nasarullah, Nawabzada K.
 Roy, Mr. Pabram.
 Saderuddin Ahmed, Mr.
 Saifuddin Ahmed, Maji.
 Sahim, Mr. S. A.
 Sarkar, Babu Madhusudan.
 Soraful Islam, Mr.
 Shahabuddin, Mr. Khwaja, C.S.E.
 Shamsuddin Ahmed Khondkar, Mr.
 Sirdar, Babu Litta Munda.
 Tefel Ahmed Choudhury, Mawvi Maji.
 Walker, Mr. W. A. M.
 Yusuf Ali Choudhury, Mr.
 Zahur Ahmed Choudhury, Mawvi.

The Ayes being 68 and the Noes 76, the motion was lost.

Sittings on Friday and Saturday.

Mr. SPEAKER: To-morrow, the Calcutta Municipal (Amendment) Bill will be taken up again; so members would kindly come prepared for it. I understand, to-morrow the first item to be taken up is the Tank Improvement Bill; after that, a Government Resolution will be taken up and then we will go on with the Calcutta Municipal (Amendment) Bill.

Now, I have been requested that we might sit a little early to-morrow. The difficulty is that we have got a meeting of the Committee of Privileges and as it has to deal with a very important matter, I do not propose to postpone the meeting. So I propose to sit at 4-30 p.m. to-morrow. On Saturday also we may sit a bit early, say, at 9-30 a.m.

Mr. JOGESH CHANDRA GUPTA: Sir, I have found out from both sides of the House that many members want to leave Calcutta on Friday evening because some of them have undertaken certain responsibilities regarding the Water-hyacinth Week. (Cries of "No", "No" from the Coalition Benches.) That was what I gathered from some members of both sides of the House. We do not have Saturday sittings except during the budget discussion. So having regard to the temperature at present and also to the usual practice, I would request the Hon'ble Speaker not to have any sitting on Saturday.

Mr. Khwaja SHAHABUDDIN: So far as members of this side of the House are concerned, I may assure you and through you my honourable friend, Mr. Gupta, that we do not want to curtail the sitting but we do want to sit on Saturday—.

Mr. SPEAKER: That will do.

Mr. Khwaja SHAHABUDDIN: Sir, with your permission, I would further submit that members of the House know how important this Calcutta Municipal (Amendment) Bill is and how anxious a very large section of this House is to pass this Bill as soon as possible. Unfortunately and unforeseen incidents prevented us from proceeding very far with the business as far as this Bill is concerned. We have got only two days left—to-morrow and the day after. Sir, you have very kindly agreed to sit early to-morrow. We would earnestly request you to sit early on Saturday also, so that we may make an effort to complete and finish the work of the Calcutta Municipal Bill.

Mr. SPEAKER: I have no objection to sit early on Saturday. We may sit from 7-30 to 11-30 instead of from 10 to 1. That I hope would be convenient to everybody concerned.

Dr. MALINAKSHA SANYAL: Sir, it would be convenient for us to sit from 8-30 to 11-30.

Mr. Khwaja SHAHABUDDIN: No, Sir. 7-30 would be better.

Mr. SPEAKER: I would suggest sitting at 8 o'clock on Saturday. In any case, I hope it will be possible to come to a compromise on this point. After all, the Bill is before us, and, if somehow, Government had decided to drop the Bill, it would have been quite a separate thing, but as Government are anxious to finish this business, is it any use protracting and not finishing it as quickly as possible? Of course, I am not hopeful that it will be finished by Saturday. Still let us finish as much as possible to-morrow and the day after. For the time being, it is settled that we shall sit at 8 or 8-30 a.m. on Saturday.

Mr. SANTOSH KUMAR BASU: Sir, are we to understand that Government are anxious to finish this Bill on Saturday and that it would result in the curtailment of our right of speech? In that case, we shall be very anxious to protect our rights.

The Hon'ble Khwaja Sir NAZIMUDDIN: The point is this. This Bill is a very important one and I should like the House to understand that if this Bill is to be of any use, it has got to go through the House at least by the first week of May. If we cannot finish it in the meantime, i.e., by the first week of May, we will have all-night sittings. Government will insist on that.

Mr. SPEAKER: Let us see if we can avoid that contingency after we come back from the holidays.

Mr. JOGESH CHANDRA GUPTA: Unless the Home Minister arranges for a cordon of police to keep us here the whole night he will not find us here.

Adjournment.

The House was then adjourned till 4-30 p.m. on Friday, the 21st April, 1939, at the Assembly House, Calcutta.

**Proceedings of the Bengal Legislative Assembly assembled
under the provisions of the Government of India Act, 1935.**

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday,
the 21st April, 1939, at 4-30 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.)
in the Chair, 11 Hon'ble Ministers and 218 members.

Oath or affirmation.

The members named below made the oath or affirmation of their
allegiance to the Crown:—

Mr. F. J. Majindin,

Sir Henry Birkmyre, and

Mr. A. O. Brown.

STARRED QUESTIONS

(to which oral answers were given)

Noakhali R. K. Zilla School.

*376. **Mr. SYED ABDUL MAJID:** Will the Hon'ble Minister in
charge of the Education Department be pleased to state—

- (a) the present as well as the average annual numerical strength of
Noakhali R. K. Zilla School for the last 3 years;
- (b) total expenditure from Public Revenue for the said school
during the year 1937-38;
- (c) monthly rent paid for the house hired for the school;
- (d) the number of aided high English schools in the Noakhali
district;
- (e) the amount spent for them in the shape of grants-in-aid during
the year 1937-38;
- (f) whether there are 2 other recognised high English schools and
an aided high madrassah in the Noakhali town;

- (g) whether he is aware that wealthier section of the town people send their wards to Government schools; and
- (h) whether deprovincialisation of the R. K. Zilla School is in the contemplation of Government?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (a) The number of pupils on the rolls on the 31st March, 1938, was 195. The average for the last three years was 201.

(b) Rs. 16,226.

(c) Rs. 100 per mensem for the school and Rs. 12 per mensem for the Muhammadan hostel.

(d) 19.

(e) Rs. 23,050.

(f) and (g) Yes.

(h) No. The Noakhali R. K. Zilla School being the only Government high school in the district of Noakhali it should continue to exist in the interest of education of the district.

Mr. PROMATHA RANJAN THAKUR: In view of the fact that the expenditure on the Zilla School is over Rs. 16,000 and that on other schools only Rs. 23,000, does the Hon'ble Minister think it desirable to increase the grant of other schools by deprovincializing the Zilla School?

Mr. SPEAKER: How does that question arise?

Mr. PROMATHA RANJAN THAKUR: In answer (b) the Hon'ble Minister has said, "that Rs. 16,000 has been spent on that school" and in answer (c) the expenditure on other schools is Rs. 23,000. In view of that, does the Hon'ble Minister think it desirable to increase the grants to these latter schools by deprovincializing the Zilla School?

Mr. SPEAKER: There is no connexion between the two.

SJ. NARENDRA NATH DAS GUPTA: In view of the fact that the people of Noakhali do not show sufficient enthusiasm for the Zilla School as proved by the fall in the number of pupils on the rolls, does not the Government think it proper to deprovincialize the Zilla School as early as possible?

Mr. SPEAKER: The first part of the question is in order and not the second part.

SJ. NARENDRA NATH DAS GUPTA: Does the Government admit owing to the small number of pupils on the rolls the public are showing less interest in the Zilla School?

The Hon'ble Mr. A. K. FAZLUL HUQ: The number has fallen off but I do not know for what reasons. An enquiry may be made and the result stated to the House.

SJ. NARENDRA NATH DAS GUPTA: In view of the fact that people are not showing any enthusiasm—

The Hon'ble Mr. H. S. SUHRAWARDY: How do you know?

SJ. NARENDRA NATH DAS GUPTA: In view of the fact that owing to the fall in the number of pupils the people are showing less enthusiasm for the Zilla School, will Government take steps to help other institutions by deprovincializing the Zilla School?

Mr. SPEAKER: Your question is not in order.

SJ. NARENDRA NATH DAS GUPTA: In view of the smallness of the number of pupils, does the Government propose to deprovincialize the Zilla School?

The Hon'ble Mr. A. K. FAZLUL HUQ: The question of deprovincialization cannot be taken up immediately for various reasons. It is a very large question and is being considered, but we have not been able to come to a decision.

Talora excise shop in Bogra district.

***377. Mr. M. FARHAD RAZA CHOWDHURY:** (a) Is the Hon'ble Minister in charge of the Excise Department aware—

- (i) that an excise shop at Talora in the district of Bogra had recently fallen vacant;
- (ii) that applications were invited for lease of the shop;
- (iii) that several applications, including some from qualified Muhammadans were filed; but
- (iv) that the shop was settled with the heir of the deceased vendor or in the *benami* of the widow?

(b) Will the Hon'ble Minister be pleased to state whether it is a fact that the Commissioner of Excise wanted the shop to be settled with a new person?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons why the shop was settled with an up-country non-Bengali?

MINISTER in charge of the EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (a) (i) to (iii) Yes.

(iv) The shop was settled with a near relative of the deceased vendor who had helped the deceased vendor in the management of the shop and had been found competent.

(b) No.

(c) Does not arise.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether the person with whom the shop was settled was a Hindu or a Muslim?

Mr. SPEAKER: That question does not arise.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if the person with whom the shop was settled is an up-country non-Bengali?

The Hon'ble Mr. PRASANNA DEB RAIKUT: The person is a *bona fide* resident of the district.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (iv), will the Hon'ble Minister be pleased to state what sort of competency is expected of a person with whom an excise shop is going to be settled?

Mr. SPEAKER: How does that question arise?

Mr. PROMATHA RANJAN THAKUR: In answer (iv) the Hon'ble Minister has said, "the vendor had been found competent".

Mr. SPEAKER: That is after the shop has been settled.

Mr. PROMATHA RANJAN THAKUR: The Hon'ble Minister has said, "that he was found competent". My question is what sort of competency is expected of such a person.

Mr. SPEAKER: That question does not arise.

Maulvi ABDUL LATIF BISWAS: In view of the fact that there were qualified Muslim candidates, will the Hon'ble Minister be pleased to state whether the shop was settled with a Hindu or a Muslim?

Mr. SPEAKER: I am afraid that that question does not arise.

Maulvi ABDUL LATIF BISWAS: My submission is this. The question is whether there were qualified Muslim candidates.

Mr. SPEAKER: What is the answer?

Maulvi ABDUL LATIF BISWAS: The answer is "yes". That is why I asked the question: in view of the fact that there were qualified Muslim candidates, will the Hon'ble Minister be pleased to state whether the shop was settled with a Hindu or a Muslim?

Mr. SPEAKER: However much undesirable it may be, I have to admit it.

The Hon'ble Mr. PRASANNA DEB RAIKUT: Due considerations were given to all people, but it was settled with a relation of the deceased.

Maulvi ABDUL LATIF BISWAS: Sir, my question has not been answered. Will the Hon'ble Minister be pleased to state whether the licensee is a Hindu or a Muslim? (Cries of—"Ask whether he is a Bengali or a non-Bengali"—from the Opposition.)

Mr. SPEAKER: I appeal to the honourable members on both sides to refrain from raising a communal issue.

Dr. NALINAKSHA SANYAL: With all humility, Sir, I may tell you that we have never asked questions about communal percentages.

Maulvi ABDUL LATIF BISWAS: In view of the fact that the Hon'ble Minister enunciated two days ago the policy that the cases of Muhammadans would be considered and in view of the fact that there were Muslim candidates for this shop, will the Hon'ble Minister be pleased to state whether the shop was settled with a Hindu or a Muhammadan?

The Hon'ble Mr. PRASANNA DEB RAIKUT: It was settled with a relation of the deceased; he is a Hindu. But due considerations were given to the other candidates.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether the candidate with whom this shop has been settled is an up-country man or not?

The Hon'ble Mr. PRASANNA DEB RAIKUT: He is an up-country man domiciled in Bengal.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whose proportion among the number of consumers from this shop is greater so far as the Hindus, Muhammadans or Christians are concerned?

Mr. SPEAKER: That question does not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state how long the licensee has been staying in this province?

The Hon'ble Mr. PRASANNA DEB RAIKUT: For six generations.

Mr. ATUL KRISHNA CHOSE: Are we to understand that in view of the principles enunciated in the Koran—

Mr. SPEAKER: I cannot allow that question.

Gambling in Rangpur district.

***378. Mr. JOTINDRA NATH CHAKRAVARTY:** (a) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether the Bengal Public Gambling Act (of 1867) is in force throughout the district of Rangpur? If not, why not?

(b) Does the Hon'ble Minister contemplate extension of this Act throughout the district?

(c) Is the Hon'ble Minister aware—

- (i) that gambling goes on openly in the *melas* that are held annually in the district of Rangpur;
- (ii) that touts are employed by the keepers of these gambling dens to lure innocent villagers;
- (iii) that there were such gambling dens in the *mela* that was last held at Badarganj in the district of Rangpur; and
- (iv) that representations were made to the proper authorities to stop the gambling in the said *mela*?

(d) If the answer to (c) (iv) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, was taken in the matter?

(e) If no action was taken, will the Hon'ble Minister be pleased to state the reason therefor?

(f) Are the Government considering the desirability of taking steps for stopping gambling amongst the illiterate masses?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) No. The question of the extension of the Act to the entire district is under consideration.

(b) Yes.

(c) (i) and (ii) No.

(iii) Some clandestine gambling took place in that *mela*.

(iv) Yes.

(d) and (e) By the time information had been received and enquired into the *mela* was over.

(f) Yes.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state what time Government will take to bring the Act into operation with reference to answer (b)?

The Hon'ble Khwaja Sir NAZIMUDDIN: As soon as the Government come to a decision after due consideration of the various problems involved.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether some police officers were in attendance in this Badarganj *mela* when the *mela* was held?

Mr. SPEAKER: That question does not arise.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether with reference to some *melas* held at Gaibandha representations were made to the proper authorities and that no steps were taken until some responsible gentlemen with M.L.A.'s had to take recourse to picketing?

Mr. SPEAKER: That is not a question; that supplies information.

Kazi EMDADUL HAQUE: With reference to answers (d) and (e), what sort of enquiry was made, whether there was any attempt to find out the culprit?

The Hon'ble Khwaja Sir NAZIMUDDIN: Whether gambling took place or not was enquired into by the police.

Mr. SHAH ABDUR RAUF: Has the Gambling Act been enforced in any part of the district of Rangpur?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly.

Mr. SHAH ABDUR RAUF: In what part?

The Hon'ble Khwaja Sir NAZIMUDDIN: Rangpur town.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the clandestine gambling took place with or without the knowledge or connivance of the police?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the District Magistrate knew of the clandestine gambling?

The Hon'ble Khwaja Sir NAZIMUDDIN: As it was clandestine, the Magistrate could not have known it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that some specific complaints were brought to the notice of the District Magistrate about the continuance of this gambling?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, because these complaints were made, it came to be known that clandestine gambling was taking place. If the thing had been obvious and natural, it would not have been clandestine.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long did the *mela* continue?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long the *mela* continued after the continuance of the gambling was brought to the notice of the District Magistrate?

The Hon'ble Khwaja Sir NAZIMUDDIN: As soon as it came to the notice of the District Magistrate but before any action could be taken, the *mela* was over.

Dr. NALINAKSHA SANYAL: How many days did the District Magistrate take as between the date on which it was brought to his notice and the date on which he took steps?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether the clandestine gambling was detected and whether any action was taken?

Mr. SPEAKER: That question has already been answered.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় অবগত আছেন কি যে, এই gambling মেলায় তিক মধ্যস্থলে এবং প্রকাশ্য দিবাভাগে করা হয়েছে?

Mr. SPEAKER: That question does not arise.

Maulvi ABU HOSSAIN SARKAR: Is the Hon'ble Minister aware that licences for gambling in these *melas* are generally issued in the name of a brother of an insurance agent who generally lives with the District Magistrate?

Mr. SPEAKER: That question does not arise.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I have your permission to say that in these *melas* certain forms of gambling take place which are not illegal. On account of the ruling of the High Court it is very difficult to take action against them. For instance, when it is dark a game of skill becomes a game of chance. So, for the time being we are handicapped in taking suitable action against gambling which may not be a game of skill.

Mr. SANTOSH KUMAR BASU: If it is not gambling, why is it that the Hon'ble Minister has used the words "clandestine gambling" in his answer?

The Hon'ble Khwaja Sir NAZIMUDDIN: I was just going to point out that there are certain forms of gambling which Government cannot stop because they do not come under the definition of gambling. But there may be other gamblings which are going on surreptitiously and which can be stopped.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whether he knows what kind of gambling was allowed—whether it was a game of skill or a game of chance?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as this was concerned, it was pure and simple a game of chance, done clandestinely.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Recruitment for the Damodar Canal Revenue Division.

162. Mr. DHIRENDRA NARAYAN MUKERJEE: (a) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether it is a fact—

(i) that the Eden Canal Revenue has been merged in the Damodar Canal Revenue as per Notification No. 691, dated the 24th March, 1933;

(ii) that a permanent revenue division has been created for the purpose with a permanent staff; and

(iii) that the staff of the Eden Canal, such as *muharrirs*, patrols, *khalasis*, *dafudars*, are still maintained in the temporary list?

(b) Is it a fact that new recruitments have been made for the Damodar Canal Revenue Division on a permanent basis superseding the claims of the temporary staff of the Eden Canal?

(c) Is it a fact that some employees of the Eden Canal staff have not been allowed promotion in spite of repeated recommendations of the Executive Engineer, Damodar Division?

(d) Is it a fact that a *muharrir* of the Damodar Canal who was a new recruit was given two lifts in one year and made a *zilladar* for the Eden Canal in supersession of the claims of other *muharrirs*, *tahsildars* and clerks on the staff?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) (i) and (ii) Yes.

(iii) Two *muharrirs*, six patrols and one *khalasi* who were not transferred to the Revenue Division remained on a temporary basis under the Executive Engineer in connection with work in the Eden Canal.

(b) I understand that there have been no supersessions of senior by junior *muharrirs* except so far as was necessary to secure the prescribed proportion of employees of different communities. If, however, the hon'ble member will give me the names of any *muharrirs* who according to his information have been superseded, I shall look into the matter further.

(c) A temporary *muharrir* recommended by the Executive Engineer for employment as a *zilladar* was not considered by the appointing authority to be suitable for the post. Another recommendation could not be accepted; there was no vacancy for a man of the community to which the recommended man belonged.

(d) I am informed that a certain *muharrir* received advancement in this way over a period of about 3½ years, the advancement being due in part to the fact that vacancies had to be filled by suitable candidates of a particular community.

Damages to crops during rainy season in Chittagong.

163. Maulana MD. MANIRUZZAMAN ISLAMABADI: (a) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

- (i) that the upper part of the canal excavated jointly by the Government and the public to let off the water of *Gompo bil* has been silted up;
- (ii) that crops were damaged during the last rainy season in the villages under the jurisdiction of the police-station Rangunia in Chittagong; and
- (iii) that the people of the locality are in distress?

(b) If the answer to (a) is in the affirmative, are the Government considering the desirability of—

- (i) re-excavating the canal; or
- (ii) making an inquiry into the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazari: (a) (i) and (b) I am informed that very little silting has taken place and that this does not warrant any action at present. Any action considered necessary in future is to be taken by the District Board of Chittagong.

(a) (ii) and (iii) I understand that transplantation of *aman* paddy was delayed last year owing to the high level of water standing in the locality. In consequence the outturn was below the average but there is no distress.

Jagannath Intermediate College Library.

164. Mr. RAZAUR RAHMAN KHAN: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

- (a) what is the total number of books in the Jagannath Intermediate College Library;
- (b) what is the total number of Arabic, Persian and Urdu books in the Library; and
- (c) has the Library been stocked with Arabic, Persian and Urdu books to meet the demands of the teachers and students in these subjects?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) About 16,000.

(b) 116.

(c) Yes.

Scheme for spending grant of five lakhs of rupees for the Scheduled Castes.

165. Babu PREMHARI BARMA: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any scheme has been prepared for spending the five lakhs of rupees provided in the supplementary budget for 1938-39 for the spread of education among the Scheduled Castes of Bengal?

(b) If any such scheme has been prepared, is the Hon'ble Minister contemplating supply of copies of the same to the members of the Legislature for their opinion, if any?

(c) If the answer to (b) is in the negative, will the Hon'ble Minister be pleased to give the reason therefor?

(d) Have any scholarships been awarded to students reading in different schools and colleges of Bengal out of the amount?

(e) If so, will the Hon'ble Minister be pleased to lay on the table a statement showing—

- (i) the names of the students and the communities to which they belong; and
- (ii) the colleges and schools in which they read?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) Yes.

(b) The scheme has already been published for public information in *The Bengal Weekly*, dated the 19th December, 1938.

(c) and (e) Do not arise.

(d) No.

• **Adjournment Motion.**

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir,—

Dr. NALINAKSHA SANYAL: Sir, what is the position as regards my adjournment motion?

Mr. SPEAKER: I had a talk with Mr. Jogesh Chandra Gupta. It is a very controversial matter, and I will give my ruling later.

Mr. SYED JALALUDDIN HASHEMY: Sir, may I be permitted to submit that I sent in a notice of an adjournment motion with regard to the railway disaster at Majdia. Subsequently, however, I was advised by my friends to alter it and give notice of a special motion under section 102 of the Assembly Rules and Standing Orders, and, accordingly, I sent in notice of a special motion. Will you allow me, Sir, to read the motion?

Mr. SPEAKER: Will you please sit down? I will explain. I received notice of an adjournment motion, but I found that the language in which the adjournment motion was couched was such that it was not admissible. Yet I felt that, on an occasion like this, it was probably the desire of the House that a question like this should be discussed. So, though the adjournment motion is not in order, still I feel the traffic disaster can be discussed, as was done in the case of the Bhita railway disaster, when it was brought in in the nature of a special motion. It is, of course, very difficult to get it done quickly, but if you will send a copy of your motion, I will send it to Government, and if Government agree to its discussion as a special motion, I think there will not be any difficulty. I understand that Government are anxious to take a little time before the Calcutta Municipal (Amendment) Bill can be taken up. So, if you hand over to Sir Nazimuddin a copy of your motion, he will consider whether he will be able to give his permission or not.

Mr. SYED JALALUDDIN HASHEMY: May I submit, Sir, that my motion is so simple that I am sure that no member of the House, not even Sir Nazimuddin, can take exception to it? (Laughter.)

Mr. SPEAKER: Still it would be better to have Sir Nazimuddin's permission first.

Dr. NALINAKSHA SANYAL: May I draw your attention, Sir, to the fact that I, too, have sent in copies of a motion similar to that of Mr. Hashemy, and I think the Secretary has taken steps in the matter?

Mr. SPEAKER: Let Sir Nazimuddin have a copy of your motion, Mr. Hashemy, and then there will not be any difficulty.

Dr. NALINAKSHA SANYAL: But what about my motion?

Mr. SPEAKER: That has not been brought to my notice yet. (After enquiring from Secretary) I understand that it has been just received. There is still time for it. In the meantime, we have the Tanks Improvement Bill to consider, and this will take some time.

GOVERNMENT BILL

The Bengal Tanks Improvement Bill, 1938, as amended by the Bengal Legislative Council.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Mr. Speaker, Sir, I beg to move that the amendments made by the Bengal Legislative Council to the Bengal Tanks Improvement Bill, 1938, be taken into consideration.

The motion was then put and agreed to.

Clause 2.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Sir, I beg to move that in sub-clause (1) of clause 2 for the words "any other recognised society or public body or person" the words "or any other person" be substituted.

Sir, "any other person" under the General Clauses Act will include "recognised society or public body". So, it is unnecessary to have so many expressions.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I have to oppose this motion on two grounds. In the first place, I find that, contrary to the usual Parliamentary practice, the Hon'ble Minister himself, who has had ample opportunities in putting forward his view-point first in this House and secondly in the Council, is still considering the desirability of moving amendments. If we allow this kind of—

May I have your ears, Sir? (The Hon'ble Mr. H. S. SUHRAWARDY: You have the ears of the House.) But I must address the Speaker.

Mr. SPEAKER: Please go on. I have always my ears open, both for the right and for the left. (Laughter.)

Dr. NALINAKSHA SANYAL: Sir, it is more a question of order. So, I am anxious to draw your attention.

As I was saying, Sir, the Hon'ble the Minister in charge of the Revenue Department, whose Bill it is, himself has chosen to move an amendment. On a previous occasion, when the Hon'ble the Minister of Justice proposed to move an amendment to the Official Receiver's Bill, you were pleased to observe that it did not look nice that the Member in charge, as he had ample opportunities of examining the provisions on two or three occasions, should move an amending motion of his own at that stage. He might have a short-notice amendment moved by one of his party members. So, if you want to maintain the same Parliamentary practice as you did formerly, then, I think, the Hon'ble the Minister in charge of the Revenue Department should not move this amendment himself.

Even apart from that, Sir, there is substantial difficulty in accepting the amendment on its merits. The original idea was to entrust such improvements only to a very limited circle of well-recognised authorities, namely, either a Collector or a local authority, or a co-operative society. These were the only three bodies contemplated in the original provisions. Thereafter, some members of the Council thought that probably it might help matters if some other recognised society or public body could be thought of, either probably the Muslim League or the Congress. But there was at no stage any contemplation of entrusting any private individual with this important task, involving a little bit of indirect taxation of certain classes of people. It would be opening the flood-gate of corruption, and, probably, the purpose of the Bill itself would be frustrated if such a wide scope were provided. I, therefore, submit, Sir, that this amendment goes beyond the scope of the original Bill.

Even, apart from the fact that on its merits it is objectionable, at any rate, the Hon'ble the Minister in charge of the Revenue Department should not move this amendment.

With these observations, Sir, I would request the Hon'ble Minister to withdraw this amendment; otherwise, it will be my painful duty to oppose it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am sorry, Sir, that my honourable friend Dr. Sanyal has misunderstood the amendment. I am not in any way widening the scope of the Bill. As a matter of fact, what I propose to do is this that the words "any other recognised society or public body or person" are quite unnecessary, because the word "person" includes those, according to the General Clauses Act. (Dr. NALINAKSHA SANYAL: But the word "person" is wider.) No, it is not wider. The word "recognised" is very

vague,—recognised by whom? (Rai HARENDRA NATH CHAUDHURI: Then why not drop it?) That is why we propose to drop the whole thing and substitute for it the words "any other person". (Dr. NALINAKSHA SANYAL: That makes it wide!) It is a mere drafting change. (Rai HARENDRA NATH CHAUDHURI: What is your authority for saying that?) Sir, I do not think that there is any substance in the argument advanced by my friend Dr. Sanyal, however ingeniously he might have tried to do so.

Sir, I shall just read out the definition of the word "person," as given in the General Clauses Act. That Act provides that "person" shall include any company or association or body of individuals, whether incorporated or not. That shows that the word "person"—so long as it is there—is sufficient. (Rai HARENDRA NATH CHAUDHURI: Much too wide!) So, it is not necessary to put in the words "recognised, etc." The word "person" is already there, in the sentence "any other recognised society or public body or person". So long as the word "person" is there, it is superfluous to have any other word. That is my point. I hope the honourable member will recognise my point and withdraw his objection.

Mr. SPEAKER: So far as that point is concerned, it is not for me to say anything.

Rai HARENDRA NATH CHAUDHURI: If the Hon'ble Minister's contention is that the word "person" was there, then the word "person" is not going to be substituted for all the words that are imported into the Bill by way of Council amendment, and then a point of order will arise under section 79(2) which says that only those amendments can be brought forward which are ancillary to the amendment made by the Council. But admittedly the word "person" was there in the original Bill. As the word "person" is not one of the words that have been introduced by the Council, that is, if, as he says, the word "person" was already there, then his amendment will be hit by section 79(2).

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I will draw your attention to section 79, sub-clause (2) of the Rules and Standing Orders—"Further amendments relevant to the subject-matter of the amendments made by the Council may be moved". That is wide enough and that covers my amendment. I do not think that my honourable friend intends to suggest that further amendments relevant to the subject-matter of the amendments suggested or made by the Council cannot be moved. I, therefore, venture to submit that I can move my amendment.

Mr. SPEAKER: Mr. Rai Chaudhury, you must look to the substance of it. It is a well-known practice that we must always look to the jurisprudence of a thing instead of to its technicality. The words "any other recognised society or public body or person" who takes possession of a tank would, according to the Hon'ble Minister, be covered by the words "any other person" which are under the General Clauses Act substituted. So, in substance, it is exactly the same. The only point is that for this, you will again have to go to the Council.

Rai HARENDRA NATH CHAUDHURI: The words "or person" were not inserted by the Council. Therefore, I submit that so far as the amendment is concerned, it is hit—

Mr. SPEAKER: How?

Rai HARENDRA NATH CHAUDHURI: The amendment of the Hon'ble Minister runs thus: for the words "any other recognised society or public body or person"—

Mr. SPEAKER: Will you read clause 1—"authorised person" means the Collector, a local authority, co-operative society, any other recognised society, or public body or person—

Rai HARENDRA NATH CHAUDHURI: Yes.

Mr. SPEAKER: Now he says that "authorised person" means the Collector, a local authority, co-operative society, or any other person. Now, supposing he had deleted the words "recognised society or public body", would that have been in order?

Rai HARENDRA NATH CHAUDHURI: Yes.

Mr. SPEAKER: That is exactly what he wants to do now.

Rai HARENDRA NATH CHAUDHURI: In the words to be substituted, he is also including the words "or person" of the original Bill.

Mr. SPEAKER: The real effect of his amendment is to delete the words "recognised society or public body". It is only a technical matter.

Rai HARENDRA NATH CHAUDHURI: If so, our other contention holds good and his amendment will be much too wide in scope. It will not only include "any other society or public body" but it will also include "any other person" as well and in that view—

Mr. SPEAKER: In the original Bill, "or person" was there.

Rai HARENDRA NATH CHAUDHURI: But certain other bodies were specifically introduced by the Council's amendment.

Mr. SPEAKER: That is why he deletes this clause and says "any other person" in order to inform the Council that that covers everything.

But the real point which Dr. Sanyal has raised I do not want to enter into. That is a highly controversial matter. The point raised by him was whether it is desirable for the Legislature to say that an amendment which has been passed in another House is outside the scope of this House.

Dr. NALINAKSHA SANYAL: Sir, I had two aspects of my point of order. One is whether the Hon'ble Minister who has sponsored the Bill both here and there, at this stage, should come forward with an amendment of his own. He might avoid that technical difficulty by asking one of the party members to move it. It is a question of procedure of this House.

Mr. SPEAKER: Dr. Sanyal, I think it is in order.

Dr. NALINAKSHA SANYAL: But, Sir, whether the member in charge of the Bill would be in order to bring in amendments, that is a matter—

Mr. SPEAKER: I quite realise your point. While I hold that as far as possible it is desirable that the member in charge of the Bill should not himself bring in amendments unless it is essential, that principle is not applicable when a Bill comes with amendments from the other House, and I think it is the duty of the Hon'ble Minister who is in charge of the Bill, to place these amendments before the House and give the House a chance to decide whether those amendments should be accepted or not.

Dr. NALINAKSHA SANYAL: My other point was whether any improvement would be done by the Hon'ble Minister proposing amendments at this stage. Then this Bill will have again to be sent to the Council.

Mr. SPEAKER: That is not a vital matter.

Dr. NALINAKSHA SANYAL: It may be so, but it is better to leave it at that. This House applied some time over this Bill: there

was a Select Committee: the Select Committee examined the proposition and the Council added a few words. So far as we find, the words are not so very objectionable or do not bring in any important new facts as to necessitate any reference to that House again. If the Hon'ble Minister could accept this, there might be some little drafting difficulty.

Mr. SPEAKER: I cannot say anything about that.

Dr. NALINAKSHA SANYAL: But, Sir, you should seriously consider whether you will be well advised to postpone the provisions of this valuable Bill for one more season.

Mr. SPEAKER: I cannot say.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that in sub-clause (1) of clause 2 for the words "any other recognised society or public body or person" the words "or any other person" be substituted, was then put and agreed to.

Mr. SPEAKER: There is one point which I would like to know from Sir Bijoy. What happens to the amendment which has been made by the Council in sub-clause (2) of section 7?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is suggested that this should be omitted.

Mr. SPEAKER: Will you move all your motions together?

I may explain that I am anxious to hurry up because I have admitted a special motion of Mr. Syed Jalaluddin Hashemy regarding the Majdia Railway disaster. It is a very important matter and I will take that up before the Calcutta Municipal (Amendment) Bill.

Clause 5.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in sub-clause (b) of clause 5 for the words "any other recognised society or public body or person" the words "or any other person" be substituted.

Clause 6.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in sub-clause (1) of clause 6 for the words "any other recognised society or public body or any person" the words "or any other person" be substituted.

The reasons are obvious.

Clause 7.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in sub-clause (2) of clause 7 the words and figure "of section 7" be omitted.

Clause 16.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that for the explanation to clause (a) of sub-clause (2) of clause 16, the following be substituted, namely:—

"Explanation.—The words "any person" referred to in clause (a) of this sub-section include successors in interest of that person".

Just to make it clear I beg also to move that in clause (b) of sub-clause (2) of clause 16 for the word "receipt" the word "payment" be substituted.

There is a mistake—purely printing mistake, or typing mistake.

The above motions were then put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I take objection to the amendment No. 9 of Mr. Adwaita Kumar Maji, because it is not relevant according to section 79 of the Rules. It is a substantive amendment that he is suggesting and is not relevant to the subject matter of the amendment made by the Council. It proposes to reduce the rate of fees from 50 to 15 per cent. That point was not touched in the other House.

Mr. SPEAKER: Mr. Adwaita Kumar Maji, I think your motion is not in order.

The question that this House agrees to the other amendments that have been proposed by the Council was then put and agreed to.

SPECIAL RESOLUTION.

Mr. SPEAKER: I might say that Mr. Jalaluddin Hashemy has given notice of a special resolution which is to the following effect:—

"That this Assembly is of opinion that the Government of India be immediately moved to appoint an independent Committee of non-officials and officials not connected with Railway Administration to make an enquiry into the conduct and responsibility of the Railway

Administration and Railway staff immediately following the Majdia Railway Disaster with reference to the following among other allegations and complaints:—

- (A) Delay in providing proper medical and other reliefs and their inadequacy.
- (B) Inadequacy of lights at the station and the scene of accident.
- (C) Failure to make arrangements for drinking water and other necessary food articles for a large number of injured passengers and other passengers of the trains involved in the collision and of the other trains detained in consequence for hours in a terribly hot day.
- (D) Failure to make necessary arrangements for the comforts and conveniences of passengers injured and detained.
- (E) Delay in sending the injured and the dead passengers to Calcutta and in taking prompt steps to send the detained trains to Calcutta.
- (F) Conduct of the Railway staff following the accident."

I understand to this motion the Hon'ble Minister in charge has given his consent under section 102. I will enquire from him as soon as he comes. Subject to his consent I have given my consent under section 102. What I propose is that immediately after the special resolution of Mr. Tamizuddin Khan is over, this resolution should be taken up. I am trying to get it cyclostyled immediately and to give a copy to each of the members as soon as possible.

Dr. NALINAKSHA SANYAL: Would you mind taking my amendment also?

Mr. SPEAKER: I will see.

GOVERNMENT RESOLUTION

Resolution under section 103 of the Government of India Act, 1935.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: With your permission, Sir, on behalf of Mr. Tamizuddin Khan I beg to move that this Assembly is of opinion that it is desirable that—

- (1) trade and commerce within the province in drugs, medicines and biological products;
- (2) the production, supply and distribution of drugs, medicines and biological products;

- (3) the adulteration of drugs, medicines and biological products;
- (4) fees in respect of the matters mentioned in clauses (1) to (3);
- (5) inquiries and statistics for the purpose of the matters mentioned in clauses (1) to (4);
- (6) offences against laws with respect to the matters mentioned in clauses (1) to (5);
- (7) jurisdiction and powers of courts with respect to the matters mentioned in clauses (1) to (6);

which are among the matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature.

(Here the Hon'ble Mr. Tamizuddin Khan entered the House and stood up to make a speech.)

Dr. NALINAKSHA SANYAL: May I rise on a point of order, Sir.

Mr. SPEAKER: There is no difficulty in Mr. Tamizuddin Khan's speaking on the motion. Anybody else can move it and anyone can speak on it. Mr. Tamizuddin Khan is merely making a speech.

Dr. NALINAKSHA SANYAL: My point of order is not that, Sir. I am just drawing your attention to section 103 of the Government of India Act. It states that "if it appears to the Legislatures of two or more provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those provinces by Act of the Federal Legislature, etc., then a resolution can ordinarily follow. We must first of all have the decision of this House by way of a resolution, that it is considered desirable to have certain matters decided by the Federal Legislature. On the other hand, if the rights that are lawfully to be exercised by this legislature are to be surrendered in this manner, in favour of the Central Legislature, I am afraid we might be creating a very unfortunate precedent and we do not know where we shall stop. I presume that the resolution which has been placed before us has been forwarded to us by some authority of the Central Government, so that the initiative has been taken not by the Province but by the Centre. The Government of India Act does not provide for a situation like that. The Act only provides for a situation in which the initiative is taken by the province. I would like to know first if there has been any evidence of initiative taken by this province or any other province or provinces. So long as that is not proved, I believe that this resolution becomes out of order. It is a question of order, Sir, and therefore I would like you to satisfy yourself whether the initiative has come from the Central Government or the initiative has been from the province.

Mr. SPEAKER: Dr. Sanyal, what exactly is your point?

Dr. NALINAKSHA SANYAL: The point is that if the resolution has been initiated by any department of the Central Government we must protect our rights, and we must refuse to have a resolution of this type adopted, but if a request had come from several different provinces and we had been asked to co-operate with those provinces we might probably consider the position.

Mr. SPEAKER: Let us hear the speech of the Hon'ble Minister.

Dr. NALINAKSHA SANYAL: We have not got any light thrown on this point.

The Hon'ble Mr. TAMIZUDDIN KHAN: So far as the point raised by Dr. Sanyal is concerned, I do not think that it has got any force whatsoever. He asks, who took the initiative. Sir, the law does not take any notice as to who may have inspired the initiative.

Dr. NALINAKSHA SANYAL: The wording of the law is there.

Mr. SPEAKER: Let him finish his speech—.

The Hon'ble Mr. TAMIZUDDIN KHAN: Admitting for the sake of argument that the Central Government requested the Provincial Government to pass resolutions like this in their respective legislature that is not within the purview of the law at all—that is just as any individual may induce another individual to do a particular act. When that particular act is done that may be taken notice of (A VOICE: Is it a criminal law?) by a particular tribunal or body, but who inspired the initiative does not come within the purview of the law as far as I can see. The honourable members will remember that this House passed an almost similar resolution on the 5th August last. On that occasion Dr. Sanyal did not raise any point of order and did not raise the question as to who took the initiative.

Dr. NALINAKSHA SANYAL: Apart from that my honourable friend forgets that he was then in the Opposition. He does not know the position. We did raise the question and we did get a reply from the Hon'ble Minister in charge that the Bill was initiated as a result of certain move by the Government of Bombay and other Provincial Governments.

The Hon'ble Mr. TAMIZUDDIN KHAN: If my friend raised that question then, he got also a proper reply.

Dr. NALINAKSHA SANYAL: What about this?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not propose to take up the time of the House unnecessarily by dwelling on the history of this public demand for drug control and by going into the reasons—

Mr. SANTOSH KUMAR BASU: On a point of Order, Sir. Has the Hon'ble Minister replied to the point of Order raised by Dr. Sanyal or has he been proceeding with his speech?

Mr. SPEAKER: I do not think it is a point of Order. It is a question of fact. So far as the question of fact is concerned, the Hon'ble Minister has not replied. So far as the question of law is concerned it is for me to give a decision. As the Government of India Act stands the Federal Legislature can get jurisdiction only when it is satisfied with the preliminary that two or more provinces have demanded through their Legislatures control in a provincial subject by the Federal Legislature. So far as the jurisdiction of the Federal Legislature over exclusively provincial subjects is concerned, it is a preliminary before their jurisdiction sets in. It is a sort of uniformity of legislation on a matter of all-India importance with a view to have a uniformity of policy. But so far as we are concerned it is not at all essential that other provinces should move. We can make the first move and thereafter if it is possible the Executive Government can request two or three provinces or all provinces to find out as to whether they agree to it. If there are one or more provinces, then the competency of the Federal Legislature can come in and if other provinces do not agree then this resolution will have no meaning. Therefore so far as we are concerned nothing is needed except a resolution by the Hon'ble Minister that in the opinion of the House such a uniformity of legislation is desirable. The next matter is what Dr. Sanyal has brought in, namely, whether the initiation has been taken at the instance of the Government of Bengal or at the instance of the Central Government or at the instance of any other Provincial Government. That is a question of fact, and on that I do not think I am competent to say one way or the other. Whether the Hon'ble Minister should or should not answer is a question for you.

The Hon'ble Khwaja Sir NAZIMUDDIN: Does it make any difference as to who initiates?

Mr. SPEAKER: I am afraid that is not for me to answer, but the real point of Dr. Sanyal is whether it is desirable from the point of view of Provincial Autonomy that the Government of India should take the initiative in matters of common interest and not a Provincial Government. That is a question of fact.

Dr. NALINAKSHA SANYAL: My point is very simple. Under the scheme of constitution that we have got now provinces have been made autonomous and the residuary powers remain with the provinces.

Mr. SPEAKER: Not the residuary powers.

Dr. NALINAKSHA SANYAL: The Provincial List is exhaustive and from the Provincial List no matter can be taken up by the Federal Legislature, a list which we should guard jealously, unless this province takes the initiative on the matter or some other provinces take the initiative and request us to help them. That is the scheme. I would like to know from the Hon'ble Minister if any case has been made out locally in this province or in any other province.

Mr. SPEAKER: It is for him to answer. So far as Dr. Sanyal's point is concerned, it is a question of fact and as such when the Hon'ble Minister delivers his speech he can raise all the points and it is for the Hon'ble Minister to reply but so far as the legality of this House is concerned, it is irrespective of the position whether the Government of Bengal took the initiative on its own motion or took the initiative at the instance of others.

Dr. NALINAKSHA SANYAL: It is just an independent resolution of the Government, but it has been given in the agenda paper as a resolution under section 103 of the Government of India Act, 1935.

Mr. SPEAKER: By implication.

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know what point is required to be cleared. On the face of it, Sir, this Government is taking the initiative but what instruction this Government might have received from another Government or some other private person, that is a matter into which a member of the Legislature has no business to enquire.

Dr. NALINAKSHA SANYAL: We have got our rights.

The Hon'ble Mr. TAMIZUDDIN KHAN: Certainly not. You are only the guardians of the rights of this House. Whatever advice the Bengal Government might have received does not come within the purview of the members of this House. Therefore, it is not a question of order at all; it is a question of fact. So far as the question of fact is concerned, that can only strengthen or weaken my resolution and if I cannot satisfy the House about the merits of my resolution it will fall through. Therefore, Dr. Sanyal need not be anxious.

Dr. NALINAKSHA SANYAL: It will be passed by a majority of the vote.

The Hon'ble Mr. TAMIZUDDIN KHAN: I was going to say that I did not like to enter into the reasons which led this House and other Provincial Governments to refer this matter to the Central Government to legislate for all-India. I need only say that drug is an important problem and uniformity in legislation is very essential. The only difference between the resolution already passed by this House and the present amended resolution is that the latter includes in its scope biological products in addition to drugs and medicines. As members are all aware biological products such as sera, vaccines, etc., form a very important part of modern medicine and it is considered necessary that they should be specifically included with a view to avoiding in the future any possible misapprehension in the matter. The present resolution has accordingly been tabled. It is practically the same as the previous resolution except that biological products are specifically included involving a very slight amendment in clauses 1, 2 and 3.

The resolution is only formal and I commend it to the House for its acceptance.

Mr. ATUL KRISHNA CHOSE: Sir, I beg to move by way of amendment that after clause 3, the following clause be inserted, namely:—

“3A.” Advertisement and publicity against public morals, or drugs, medicines and biological products”.

Mr. Speaker, Sir, in moving this amendment I would like to draw your attention to the fact that on the 21st February in the Central Legislative Assembly the honourable Mr. Akhil Chandra Datta enquired about the feasible ways and means to prevent the advertisement of drugs connected with sexual affairs. In reply to that question, the Hon'ble Sir G. S. Bajpai gave an assurance to the honourable member that the drugs and their advertisements have long been prohibited in England. Government was fully conscious of the fact that this sort of advertisement of patent drugs have long been prohibited in England, and the Central Government were considering the fact as to how far they could take up the matter from the point of view of India. So, we can understand that the Central Government have already considered the nature of the amendment which has been raised by me to-day in this House. It is, of course, a happy indication that the Hon'ble Mr. Tamizuddin Khan has moved a resolution like this. It is widely known that there are foreign companies like the Volkart Brothers who are publishing very ugly, indecent and obscene pictures to sell their drugs and various other kinds of medicine in Bengal by sheer publicity through advertisement. People purchase these things and waste their

money. The advertisers spend some money, the newspapers get some money but ultimately it becomes a huge waste from the side of the consumers. I would like to draw your kind attention to the fact that three or four years back the Indian Journalists Association took the initiative to prevent this sort of obscene publicity of drugs, medicines and other things in Bengal. If I draw your kind attention to one or two pieces of advertisements, you will realise what sort of publicity is going on in connection with these drugs. May I with your permission read out one piece of advertisement which the Indian Journalists Association collected with a view to put a stop to this sort of ugly, obscene and immoral publicity in Bengal. (At this stage, some of the members of the Opposition asked him not to read out the extract.) But as my friends are requesting me not to read out the advertisement and as, personally speaking, I am also unwilling to do so, I would like to desist from doing that. Sir, I had a discussion with the Hon'ble Minister when I pointed out the nature of such advertisements which he fully appreciated, and he has told me that in view of several other official affairs, he is not ready with all the statistics to make the amendment all on a sudden. Now, in view of all these things I would like to suggest that the pernicious activities of foreign companies like the Volkart Brothers and of indigenous companies and of many astrologers in Bengal should have drawn the attention of the Government of Bengal long ago. What the Indian Journalists Association has been doing was not very effective, that Association being a non-official body but Government can do it quite easily—

Mr. SPEAKER: Mr. Ghose, I may tell you that we are not discussing whether the thing is good or bad, but the question we are now discussing is whether this subject should go from the Provincial List to the Federal List. Therefore such things as astrologers are beyond our scope.

Mr. ATUL KRISHNA CHOSE: But, Sir, the wording of my amendment is as follows:—"Advertisement and publicity against public morals, of drugs, medicines and biological products". You can very well understand that it is in connection with these things I have got to refer to—

Mr. SPEAKER: Admitting the whole of your statement to be correct, I want to draw your attention to the fact that the discussion centres round the point as to whether we should not legislate on this matter.

Mr. ATUL KRISHNA CHOSE: I submit, Sir, that in view of the situation in the country and in view of the pernicious activities of some foreign chemical companies, it is now high time that Government should take such steps as they think necessary to prevent them.

With these words, Sir, I commend my motion to the acceptance of the House.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I do not know if I should support the motion. I have every sympathy with the Hon'ble Minister for moving this resolution, but I have some difficulty which I want to be cleared up. That is why I rise to say a few words. The province, as I have already indicated, should jealously guard its rights and the wording of the resolution, as it stands, makes me feel doubtful whether all our rights would be properly safeguarded. In the first clause, the Hon'ble Minister mentions trade and commerce within the province in drugs, medicines and biological products. The whole sphere of trade and commerce should be handed over to the Federal Legislature for legislation. That probably includes provincial excise on drugs and sales tax also.

Mr. SPEAKER: I do not think so.

Dr. NALINAKSHA SANYAL: Let us know that definitely; otherwise the province will not probably like such rights as the province would reasonably expect to exercise in course of time on the sales of costly drugs or "ashabs" or things like that that would reach the people at a very high price. We might eventually like to tax them and earn some money. If trade and commerce as a whole is handed over to the Central Government, probably we will be deprived from raising such taxes. In the second place, Sir, our experience in regard to these drugs has been rather unfortunate. We had some time ago a Drugs Enquiry Committee, and for a certain number of years now in the School of Tropical Medicine some researches are going on into the Indian drugs. There have been some appointments in that connection. The Director of the Tropical School who happens to be a person not of this province—

Mr. SPEAKER: I am afraid you should not refer to any particular person.

Dr. NALINAKSHA SANYAL: Sir, I want to be perfectly sure if in course of such legislation things will not be done which might similarly jeopardise the interests of the sons of this province. It is quite possible that if we had in this province legislation by which we might set up a Committee to control and regularise drugs, we will have some Bengalees appointed for the jobs and the Committee will be mostly composed of the sons of this province. If, as is proposed, legislation in connection with the drugs is entrusted to the Central Government, as has been the case with the School of Tropical Medicine Drugs Research Committee, we will have no Bengalee, even if he has got the best of qualifications, appointed to these Committees or any proposed Committee that might be entrusted with the control of drugs in this province. I would,

therefore, like the Hon'ble Minister to make sure, when he is giving this power to the Central Legislature, that he has made ample provision to conserve those interests which have not in the past been properly safeguarded.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, before the Hon'ble Minister replies I may just say a few words because the biggest industry in drugs situated in Calcutta is within my constituency, and I have got a certain mandate from them with regard to this matter.

At the outset, I join issue with the Hon'ble Minister when he says that it is not open to this House to enquire as to the source from which he received the inspiration in the matter of bringing forward this resolution before the House. This House is certainly entitled, as Dr. Sanyal made it clear, to know whether the inspiration came from the Government of India or from any other outside source, because it may vitally affect the decision of this House with regard to this matter. If we are told that the inspiration and the inducement, or the initiative, has come from outside, we shall look upon this resolution in a particular manner. If, on the other hand, we find that it is a provincial necessity which has actuated the Government of Bengal, then certainly we shall look upon it from a different angle of vision. Therefore, Sir, I do not at all agree with the Hon'ble Minister when he says that it is not the concern of this House to enquire as to which is the authority, or the source from which the inspiration came and by whom the initiative was taken.

Apart from that, Sir, I think this House will be well advised to accept this resolution, as it stands, after the necessary explanation is given by the Hon'ble Minister on the point raised by my friend Dr. Sanyal. I think, Sir, that so far as drugs are concerned, particularly the manufacture of drugs for which Bengal has certainly acquired a great lead over the other provinces, one of the biggest manufacturing concerns being situated in Bengal, I am referring to the Bengal Chemical & Pharmaceutical Works, it is necessary that the regulation of trade and commerce and all other matters which are mentioned in this resolution should be directly controlled by one central agency; otherwise, there might be considerable risk of our products being crowded out from the other provinces by prohibitive taxes or duties or by cheap and spurious drugs, which ought not to be allowed. It is also necessary, in order to carry on our competition in an effective and efficient manner against foreign drugs, that the Central Legislature ought to undertake legislation so as to put up a fight against other competitors, such as from Germany, Italy, America or England. It is, therefore, necessary that such a move should be initiated by the province in order that legislation on an all-India basis can be undertaken, and Indian drugs and Indian industrial products may put up a combined and organised fight against

foreign competition. It is particularly necessary, inasmuch as the drug trade and the drug industry in this province are making rapid strides. I would, therefore, welcome the move, and I hope, Sir, that this move is a *bona fide* move on the part of the Government of Bengal, without being inspired, or actuated from any other source.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I want to speak a few words.

Mr. SPEAKER: Mr. Khaitan wants to speak first. Mr. Khaitan.

Mr. DEBI PROSAD KHAITAN: Mr. Speaker, Sir, I would not have risen to take part in this discussion, had it not been for the amendment which has been moved by my friend Mr. Atul Krishna Ghose.

I venture to submit, Sir, that this amendment must have been moved under a great misconception of the situation that would arise as a result of this resolution. The resolution, which has been moved by the Hon'ble Minister, has been moved as a result of several years of efforts carried on by manufacturers of drugs, medicines, etc., so that uniform laws may prevail in the different provinces and so that they may not meet with any difficulties for the sale of their products in other provinces (Dr. NALINAKSHA SANYAL: No, no. Mr. Khaitan, you are under a misapprehension. It is a definite law.) I do not think I am, because this is just what the resolution provides. (Dr. NALINAKSHA SANYAL: Please look at the terms.) If Dr. Sanyal wants further elucidation of the problem, I might remind him that different duties have been imposed—

Dr. NALINAKSHA SANYAL: It is not a piece of legislation, but it relates to control of drugs. I have already had the ruling of the Speaker on this matter.

Mr. DEBI PROSAD KHAITAN: As I read the resolution, I find that it concerns not only spurious drugs throughout the country, but also covers the question of uniform duties in all the provinces taken together.

Mr. I. A. CLARK: On a point of order, Sir. Is it permissible for two members to make speeches at one and the same time? (Laughter.)

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I already put a question to you, and you nodded indicating the opinion that excise duties and sales taxes do not come under the contemplation of this resolution. Am I right in understanding that that is your ruling?

Mr. SPEAKER. I can only say that, so far as Article 27 of List II is concerned, it says "trade and commerce", and so far as excise things are concerned, they come later, duty on excise, Article 40. Lastly, so far as fees are concerned, it comes under Article 54. Now if the interpretation which I hold is correct, viz., that the three definite terms are all for three definite purposes, then trade and commerce within a province do not come within the competency of the Federal Legislature under Article 40, though "fees" come under Article 54. But in any case, even it is so, the Provincial Legislature has the power to repeal an Act of the Federal Legislature under section 102 of the Government of India Act, 1935. So, there is no difficulty.

Mr. DEBI PRASAD KHAITAN: Whatever may be the interpretation about excise duty, whether it comes within the scope of this resolution or not, there is another very important part of the problem which, perhaps, would come within the scope of this resolution, namely, the different analyses of the different products that have been prescribed in the different provinces. It is the different analyses, that have been so prescribed, that cause the largest amount of trouble in the way of drugs to be manufactured in one province and transported to another for the purpose of sale.

Now, Sir, this amendment, which has been moved by my friend Mr. Atul Krishna Ghose, seeks to give the right about legislation against undesirable and indecent advertisements and publicity also to the Central Government. That will be the effect if this amendment is accepted by this House. I do not see any reason, Sir, why Bengal should give up the right to legislate in favour of the Central Government. If the Bombay Government want to legislate against such advertisements and publicity, they, too, are expected to give up that right to the Central Government. (Dr. NALINAKSHA SANYAL: For uniformity.) Why need there be any uniformity? I am reminded by the very existence of this that we do not want indecent advertisements and publicity to be permitted in this province. Supposing Bombay, Madras, Bihar, and the United Provinces Governments have no objection to indecent advertisements and publicity, and they go up to the Central Government and submit that legislation should not be passed against indecent advertisements, it is for the House to determine as to whether they would give up this right in favour of the Central Legislature or not. All that I am submitting, Sir, is that each province should continue to keep with itself the right to legislate against undesirable forms of advertisement and publicity and, therefore, the amendment should be thrown out.

Rai HARENDRA NATH CHAUDHURI: Sir, I had no mind to take part in this debate but I am doing so now only to clear up some

- possible misunderstanding as regards the meaning of some parts of the resolution, as for instance, part one of the resolution which proposes to confer on the Federal Legislature the power to regulate "trade and commerce within the province in drugs, medicines and biological products". I cannot understand or rather grasp fully what is exactly the idea of the Hon'ble Minister in proposing to confer this power on the Central Government. Does he mean that the Central Government would have the power to regulate inter-provincial trade and commerce on these subjects or does he mean that the Central Government will also regulate the trade and commerce in drugs, medicines and biological products even within our province itself? If the latter be his meaning, as it is almost apparent from the terms of the resolution, then I must say that I am afraid he is going to confer larger powers on the Central Government than are necessary in the interests of regulation of inter-provincial trade and commerce or of securing uniformity in these matters. Whether such large powers should be conferred on the Central Government or not, it is, of course, for us to consider carefully at this stage, and I would request the Hon'ble Minister to take this suggestion into his serious consideration, namely, whether it will not be better to so amend the first part of the resolution, as to confer powers of regulating inter-provincial trade and commerce and not trade and commerce within the province in drugs, medicines and biological products—

Mr. SPEAKER: You have no jurisdiction.

Rai HARENDRA NATH CHAUDHURI: Let me submit, Sir, how in my humble opinion a resolution in such terms is permissible. We are going to confer certain powers on the Central Government and we are going also to indicate the lines on which such powers are proposed to be conferred and intended to be exercised. What is there to prevent us from indicating that the regulation should be on such and such lines? It is quite within our powers I submit to indicate to the Central Government that on such and such lines legislation should be undertaken—at least that is my idea.

Mr. SPEAKER: Do you want "province" to be made into "provinces"?

Rai HARENDRA NATH CHAUDHURI: Yes, but to be more explicit, I suggest "inter-provincial trade and commerce" instead of "trade and commerce within the province" in these matters.

Dr. SURESH CHANDRA BANERJEE: Sir, মানবীর হরেনবাবু যা বোলেছেন আমি সে সম্বন্ধে দু' একটা কথা বলবো। একটা কথা তিনি ভুল বুঝেছেন। বেঙ্গল কেমিক্যাল, বেঙ্গল ইন্ডিনিটি প্রভৃতি যে সমস্ত কারখানা আমাদের দেশে গড়ে উঠেছে, তাদের শুল্ক

কল্পে মোট ছোট সেই সব কারখানা, যারা যারাশ জিনিষ তৈরী কোরে সম্প্রদায় সেই সব জিনিষ
বাজারে বিক্রয় কোরতে চায়। যদি সকল জিনিষের উপর গণপন্থকে ক্ষমতা না দেওয়া হয়,
তাহলে বোম্বে থেকে যারাশ জিনিষ তৈরী কোরে হৈ কোন মোকামদার বাংলার এনে বেততে পারে।
তাই যদি কেডারেশন থেকে সেটাকে বাধা না দেওয়া হয় তাহলে বেঙ্গল কেমিক্যাল, বেঙ্গল
ইন্ডিনিটি বা এ ধরনের আর যে সকল প্রতিষ্ঠান আছে তাদের টেকা দায় হবে। তার জন্য Intra-
ও inter-Provincial ব্যবসায় ক্ষমতা কেন্দ্রীয় গণপন্থকে দেওয়া উচিত। এইজন্য আমাদের
মাননীয় শ্রী মহাশয় যে প্রস্তাব উপস্থিত করেছেন, তা আমি সমর্থন করণে সমর্থন করছি। আমার
মনে হয়, বাংলার যে সমস্ত কারখানা গোড়ে উঠেছে তাদের বাঁচিয়ে রাখার জন্য এই রকম একটা
আইন জরুরী।

The Hon'ble Mr. TAMIZUDDIN KHAN: My honourable friend, Mr. Santosh Kumar Basu, has again raised the question of initiative. Sir, when that question was raised in connection with a point of order, I took up the stand that that does not actually arise in connection with a point of order, but actually I have no objection to take the House into confidence as to wherefrom this initiative came. I can say for the edification of the House that it was the Provincial Governments that took the initiative in the matter. Not only this Government, but all the other Governments took up the matter, and a resolution was passed previously—almost a similar resolution—but it was the Government of Assam that pointed out that biological products were not included within the scope of the resolution and probably that was a lacuna and when the Central Government received a communication from the Government of Assam, in that respect they asked all the Provincial Governments whether they would include biological products also within the purview of the resolution, and that is how this resolution has now come in this amended form before this House.

As regards the amendment moved by my friend Mr. Atul Krishna Ghose, I have full sympathy with the object of the amendment. I agree with him that advertisements of this nature have become a positive nuisance now-a-days, and any attempt to curtail or regulate such advertisements must be a laudable one. But there are certain difficulties in the way. First of all, I think that it is not within the purview of drug control at all. This is altogether a different subject, because such advertisements are made not only in connection with drugs and biological products, but also in connection with other things such as talismans. Therefore, if legislation is made with regard to biological products, that will not, in itself, prevent similar advertisements in respect of other things like talismans. I, therefore, think that it is a different matter and does not come within the purview of this resolution. Again there is another thing. So far as these advertisements are concerned, I think no other Provincial Government is going to ask the Central Government to legislate. If the Government of Bengal only ask the Central Government to legislate about these advertisements, on that alone the Central Government will not be in a position to go in for legislation.

There is also still another difficulty. We are surrendering our rights about legislation regarding drug control for obvious reasons. But so far as controlling advertisements is concerned, I do not think we should surrender our rights at all. We can legislate within the province and there is no reason why we should bring in that matter at all within the purview of this resolution. I, therefore, think that, in this view of the matter, my friend will be pleased to withdraw his amendment. If I am so advised, I can write to the Central Government whether this can also be taken up. But as I have already said, obviously the Central Government will not be in a position to legislate without similar requests being made by other Provincial Governments also. However, I shall further consider this matter and if it is found to be advisable to write to the Central Government, I shall certainly do so.

Then, Sir, as regards the point raised by Dr. Sanyal, you, Sir, have pointed out that sales of drugs and excise duties come under certain other head, and I agree with you that simply by giving the Central Government power to legislate regarding trade and commerce, we are not giving away our powers about sales of drugs or excise duties at all. As regards the point raised by Mr. Chaudhuri, I would like to say that the words "within the province" are necessary for this reason that we cannot say anything about the areas outside our own province. That is the reason why these words have been placed there. I do not think that simply because these words are there we are giving wider power to the Central Government than we would have otherwise done.

Rai HARENDRA NATH CHAUDHURI: Are you not divesting yourself of your power to legislate? Once you divest yourself of the power, you cannot legislate—

Mr. SPEAKER: Yes, the Provincial Legislature can do that under section 103.

Rai HARENDRA NATH CHAUDHURI: Will that be proper?

Mr. SPEAKER: Yes; it will be perfectly legal.

The Hon'ble Mr. TAMIZUDDIN KHAN: I hope that this resolution will be accepted by the House.

Mr. ATUL KRISHNA GHOSE: In view of the assurance given by the Hon'ble Minister that he will look into the matter and try to accommodate it and, if necessary, write to the Central Government, I wish to withdraw my amendment.

The amendment of Mr. Atul Krishna Ghose was then, by leave of the House, withdrawn.

The motion that this Assembly is of opinion that it is desirable that—

- (1) trade and commerce within the province in drugs, medicines and biological products;
- (2) the production, supply and distribution of drugs, medicines and biological products;
- (3) the adulteration of drugs, medicines and biological products;
- (4) fees in respect of the matters mentioned in clauses (1) to (3);
- (5) inquiries and statistics for the purpose of the matters mentioned in clauses (1) to (4);
- (6) offences against laws with respect to the matters mentioned in clauses (1) to (5);
- (7) jurisdiction and powers of courts with respect to the matters mentioned in clauses (1) to (6);

which are among the matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature, was then put and agreed to.

GOVERNMENT BILL

The Calcutta Municipal (Amendment) Bill, 1939.

Mr. SPEAKER: I understand that there is a slight difficulty in the Calcutta Municipal Amendment Bill being taken up immediately and, as I have said, with the concurrence of the Hon'ble Minister I have admitted the motion of Mr. Syed Jalaluddin Hashemy.

Dr. NALINAKSHA SANYAL: Who is the Minister who has given his consent?

Mr. SPEAKER: The Hon'ble Maharaja Srischandra Nandy, of Cossimbazar.

Dr. NALINAKSHA SANYAL: You previously said Hon'ble Sir Nazimuddin.

Mr. SPEAKER: Because he was my channel of communication.

Mr. SANTOSH KUMAR BASU: In view of what has just fallen from you, viz., the slight difficulty in taking the Municipal Bill at the present moment, may I know what is the difficulty?

Mr. SPEAKER: I do not know. I hope there will be an amicable adjustment of certain matters.

Dr. NALINAKSHA SANYAL: Amicably by whom?

Mr. SPEAKER: It is better that the Speaker should be kept out of such controversy.

Dr. NALINAKSHA SANYAL: Is it a fact that an Hon'ble Minister has resigned?

Mr. SPEAKER: I have no information one way or the other. On the other hand, I got message that Dr. Nalinaksha Sanyal has resigned. (Laughter.)

Mr. A. M. A. ZAMAN: Sir, আমি জানতে চাই, বর্তমান গভর্ণমেন্ট দারিদ্রশীল গভর্ণমেন্ট কিনা। যদি দারিদ্রশীল গভর্ণমেন্ট হতেন তাহলে কাজকে তারা press করেছিলেন যে শনিবার ভোরে আমাদের আসতেই হবে; অথচ আজ দেখছি ব্যাপার সম্পূর্ণ বিপরীত। অতএব আমাদের কাছে বিবরণটা তাদের ঘোষণাগুলি ভাবে বলা উচিত ছিলো।

Mr. SPEAKER: I do not know. All I can say is that in case the Calcutta Municipal (Amendment) Bill is not taken up to-day, it is most unlikely that it will be taken up to-morrow. It will be taken up on the 1st May.

SPECIAL MOTION.

Committee of Enquiry about Majdia Railway Disaster.

Mr. SYED JALALUDDIN HASHEMY: I beg to move that this Assembly is of opinion that the Government of India be immediately moved to appoint an independent Committee of non-officials and officials not connected with Railway Administration to make an enquiry into the conduct and responsibility of the Railway Administration and Railway staff immediately following the Majdia Railway disaster with reference to the following among other allegations and complaints:—

- (A) Delay in providing proper medical and other reliefs and their inadequacy.
- (B) Inadequacy of lights at the station and the scene of accident.
- (C) Failure to make arrangements for drinking water and other necessary food articles for a large number of injured passengers and other passengers of the trains involved in the collision and of the other trains detained in consequence for hours in a terribly hot day.

- (D) Failure to make necessary arrangements for the comforts and conveniences of passengers injured and detained.
- (E) Delay in sending the injured and the dead passengers to Calcutta and in taking prompt steps to send the detained trains to Calcutta.
- (F) Conduct of the Railway staff following the accident.

I claim to have a rational mind. (A voice: Do you?) I do. I take accidents to be accidents, but in this particular railway accident I cannot persuade myself to accept this as a mere accident. Sir, we have not yet been able to forget that Dacca Mail disaster at Halsa a few years back. It is still fresh in our mind, also the Bihta railway disaster, Rawalpindi Mail disaster and other railway disasters. To-day or to-morrow we will manage to forget these past accidents, but, Sir, it will be difficult, or rather impossible for us to forget this particular accident. The reason is obvious. This disaster has taken away two from amongst us, two members of this House. This has amply demonstrated the utter lack of efficiency of the railway administration in this province. The points I have asked in my resolution to enquire into are very simple. The first point is "delay in providing proper medical and other reliefs and their inadequacy".

With regard to medical relief that has been given, the less said the better it is. One incident will sufficiently prove the inadequacy or rather hopeless inadequacy with regard to medical relief. Sir, the Hon'ble the Minister in charge of the Public Health is here. I had been to the Medical College Hospital, Emergency Department, to see our friend late Mr. Manoranjan Bannerjee. I was told that the Hon'ble the Minister in charge of the Public Health went there a few minutes before me along with the Hon'ble the Home Minister. May I ask the Hon'ble Minister who is sitting before me "was that a place for any (not to speak of a member of the Legislature) injured person"? I saw with my own eyes that the seat that was arranged for the late Babu Manoranjan Bannerji cannot be a seat for any patient. There was not an inch of space between the seat of Babu Manoranjan Bannerji and the other patient's seat. That patient was not a victim of the disaster. The next seat was occupied by another patient who was also not a victim of the railway accident. I was told that it was Emergency Ward. When I remonstrated I was told that as there was no place, he was put in there. On further enquiry I came to understand that no attempt was ever made to remove him to a comfortable place. There was no fan at all. The late Mr. Manoranjan Bannerji, a member of this House, was put in the Emergency Ward.

When I came to Sealdah Station where I received this news—at about 11 or 12, I don't remember exactly the time—the railway authorities were very busy in sending a large number of constables to Majdia. The relations, friends and others who were anxious to see the victims of the disaster at Majdia were not allowed to go by the first available train. Why this large number of constables was sent I could not understand at the time. Later on it was explained to me the part which the police would play there.

With regard to the inadequacy of lights at the station and the scene of accident, it is a matter which could really be better imagined than described. I was not present then. Some members of this House who were there explained the position, the position of horror and terror of darkness after the accident.

With regard to failure to make arrangements for drinking water and other necessary food articles for a large number of injured passengers and other passengers of the trains involved in the collision and of other trains detained in consequence, I need only say that there was no want of food or drinking water so far as the Hon'ble Ministers were concerned. They had ample drinking water, ample food and ample comfort there, but there were no arrangements for any drinking water or other arrangements for food for other passengers.

Sir, the Ministers who had been there were coming back to Calcutta by the Serajganj passenger. They stopped at Darsana; some at Jayrampur. They had motors at their disposal, they had ample food and drinks at their disposal, and some of them availed themselves of the first relief train to come back to Calcutta. But, Sir, there were other passengers some of whom might possibly be here and they will explain the position. I am told they suffered very much for want of food and drinking water. That is a clear case of negligence on the part of the Railway authorities.

With regard to failure to make necessary arrangements for the comforts and conveniences of passengers injured and detained and delay in sending the injured and the dead passengers to Calcutta and in taking prompt steps to send the detained trains to Calcutta, I can only say that you all remember that the dead body of our friend the late Mr. Birendra Nath Mazumdar came to Calcutta at about 1-35 a.m. the next day. Sir, does it require any more explanation? Does it require any more speech than what I have already said? The dead body of our friend came to Calcutta after, say, 23 or 24 hours. Is it not due to utter lack of facilities with regard to railway transport in Bengal? Many of us were waiting at the Sealdah Station anxiously to see the dead body which we were told would come at 5-30 p.m. Then we were told that it would be coming at 7-30 or 8-30 p.m. I am told, on the other hand, that the dead body of a Guard came to Calcutta by the Aqam Mail at 5 p.m. in the evening. Sir, why this invidious distinction between one

dead passenger and another? The dead body of a member of this House was brought late at 2 a.m., whereas the dead body of a Guard was brought during the day.

With regard to the conduct of the Railway staff, my friend Maulvi Gyasuddin Chowdhury, who is here, would be able to give a better description. He gave us to understand that he was a passenger and he had himself seen the scene of occurrence at Majdia. I am sure he will rise in his seat and give a detailed description of the treatment that was accorded there by the Railway authorities.

I am now told that the local Congress Committee took steps to give food and milk to some members of the House. I am also told that had it not been for this help, their sufferings would have been much greater when they were detained at Majdia. Sir, a Committee should be appointed by the Government of India to enquire into these things. I am sure that this is a matter in which the Government of Bengal or this House cannot take the initiative. As regards the personnel of the Committee, Sir, I want to make this observation that if a Committee is appointed by the Government of India 50 per cent. of the members of that Committee should be from the members of the Legislature in this province, and particularly those who had been on the scene, barring the Ministers who were there by accident. Sir, I have heard complaints, and I have also heard from members of this House, that the Ministers did not take any steps which they ought to have taken in those circumstances. Some were busy in giving photographs to the cameramen and some were busy in visiting places of some mill-owners and taking tea with some friends and others were busy at other places. Sir, I would request the members of this House to hear the details from Al-Hadj Gyasuddin Chowdhury. I would request him to give a vivid description of what he saw and experienced during the disaster that happened there. With these words, I commend my resolution to the acceptance of the House.

(The House was then adjourned for 25 minutes.)

After Adjournment.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I beg to move the amendment that after the words "to make an enquiry into", the following be added, namely, "the circumstances connected with the recent railway disaster at Majdia, and".

The purpose of this amendment is to make the resolution comprehensive and to permit the Committee of Enquiry to investigate into all questions connected with the disaster. My friend, Mr. Hashemy, has had some specific points to be drawn attention to, points relating to some matters following the Majdia railway disaster. I felt that in

addition to such points it was necessary to have some investigation into the causes or circumstances that have led to the disaster and also, if possible, to entrust the Committee to find out how best to safeguard against a repetition of such disasters. It is only with that end in view that I move my amendment, and I trust my friend, Mr. Hashemy, will have absolutely no objection to accepting the same. It is not without some amount of melancholy feeling that one speaks on a resolution of this character, and I am absolutely sure that every section of the House would be unanimous in demanding that proper enquiries should be made into a disaster of this character which led not merely to the loss of two valuable lives of members of this Legislature, but also of many more invaluable lives of unknown and not sufficiently rich men. I submit that an investigation ought to have been started by the Government of India straightaway. Four days have elapsed and yet, so far as we learn from the newspaper reports, we do not find any serious attempt at starting an enquiry of a comprehensive character. I understand that a small local enquiry has been or is being conducted by the District Magistrate and the local Railway officials with a view to find out the results of the accident and as required under the Indian Railways Act of 1890 to report on the accident. I also noticed in the newspapers that one comparatively junior railway police officer has been asked to make a report on the accident. While these local investigations by certain comparatively inexperienced and local Railway officials may be necessary, I claim that a disaster of this character demands a more comprehensive and expert investigation. I, therefore, had in my mind a motion in which I would have suggested that in the Committee to be appointed, there should be a High Court Judge who might be in a position to sift the evidence presented thoroughly and to find out exactly where the defects did lie; also a Railway expert who, while not being a Railway servant, might be in a position to give his unbiased opinion as to the character of the Railway disaster and the possibilities of guarding against the same. I was prompted to draft that resolution because, while in Europe, I had occasion to study some of the Railway technical matters connected with disasters of big consequences, and I am glad to be able to say that I found that arising out of similar disasters some of the most useful inventions in Railway signalling have been found. There should be no time wasted to find out if there is any scope for improving the signalling arrangements on the Eastern Bengal Railway to make it fool-proof and to make it impossible for the human element to forget itself for the time being and lead to serious disasters of this character. I remember, Sir, while in England, I saw at Acton a railway station near London, an experiment going on to get a train pulled up by the driver if he passes a signal in danger by drawing his attention to the signal having been in danger through an automatic alarm. There was a provision for placing a raised latch on which, if the signal was in danger, a metal

part of the engine would touch and there would be an automatic bell ringing just near the driver's ears. I saw in Germany another experiment going on by which it was provided that automatically an engine passing a signal in danger would be pulled up by a system known as optical train control. Thereby it was arranged that if an engine passed a signal in danger, a ray of light falling from the side of the engine would get reflected from a position of a mirror on the signal and thereby an electric current would be generated which would pull up the engine if it was passing a signal in danger. Such experiments have also been going on in other parts of the world, but I do not know why in India, in this unfortunate land of ours, the railway administration should be so conservative as to leave things as they are, seeking explanations from the theory of sabotage or of mistakes of the human factor. I claim that the Government of India should be moved to make a thorough investigation into all circumstances connected with this disaster and particularly to see that in future such disasters may be prevented. So far as the complaints drawn attention to by my esteemed friend Mr. Hashmi are concerned, I can only sympathise with him, and while supporting his claim to have an investigation into all these complaints, I would only add that so long as the efficiency of the Railway staff and of the Administrative staff is not improved generally, quick decision and prompt action are not likely to be the order of the day, and therefore we must have to go deeper to see if there is any scope for improving the character of the Railway men generally and of our executive officers in particular.

Here, in this case, we were informed that the first relief train could arrive at this place, namely, Majdia, about four hours after the disaster took place (Cries of "Shame, shame" from Congress benches.) I know, Sir, that the Railway authorities in the Eastern Bengal Railway maintain a break-down staff, and an emergency staff is supposed to be always in readiness for any emergency of this character, and yet I do not understand why it took such a long time to reach the place of disaster. It has also been reported to us that some of the trains which were due to arrive there and pass the station were not detained there sufficiently long to enable first aid to be given as well as to enable such passengers who were left behind to be taken in them. The Hon'ble the Chief Minister did pass the station quite a number of hours later, and I understood from him direct that he had to specially ask the railway guard to stop the train at Majdia in order to enable him to see the condition of the injured passengers. (Mr. ABDUL WAHAB KHAN: That also in writing.) I am told by my friend that the Hon'ble the Chief Minister had to do that in writing as if he had to give an explanation for asking the Railway people to get an ordinary thing done. There must be, Sir, something terribly wrong in the whole Railway administration under the circumstances. I know, Sir, that this House

is not the proper place where I can raise questions on the deficiencies of the Railway administration. That is why I shall not state things which might be declared out of order. I have watched the Speaker wake up suddenly. (Laughter.)

Mr. SPEAKER: I am always wide awake when you are speaking. (Laughter.)

Dr. NALINAKSHA BANYAL: I submit, Sir, that the public in Bengal have been greatly agitated over the accident. We have first hand reports from honourable members of this House as well as from respectable members of the public who had definitely stated that the number of the dead and the injured had been far in excess of what was reported in the papers by the Railway administration.

Sir, I am not trying to cast any reflection on the Railway authorities at this stage, but I submit that an investigation—a proper and independent investigation—should be made to ascertain the real truth of the affair. We were informed that even the late lamented Mr. Manoranjan Bannerjee, when he was wounded, was himself mightily afraid that over and above the injury some other injury might be inflicted on him by the Railway men to put an end to his life, so that he might be taken away, and his body might be safely spirited away somewhere. There is general belief that such things have taken place in the past. I do not know if it still continues to take place, and I cannot easily make myself believe that there are any human beings or any persons on the face of the earth who for their jobs would do such atrocious acts, and yet the public of Bengal have had such unfortunate feelings. Those entrusted with the investigation of this affair must sift the evidence properly and set at rest all speculations about it. We have seen photos of gruesome characters—the head of a person who died in the disaster and the body could not be discovered yet. There must have been something done with the body; either the body must have been burnt into the fire that ensued or the body must have been removed to some unknown destination by some unknown person. Investigation should be made into all these. (Babu NARENDRA NARAYAN CHAKRABARTY: There was another body without the head.) My friend Mr. Chakrabarty tells me that another body was discovered which had no head, but certainly this head which was discovered did not fit in with that body.

There have also been complaints about the Railway staff being indifferent to the immediate requirements of first aid, and it was to the public of Majdia, and particularly to the Congressmen and young men of that locality that credit for rendering whatever first aid could be given was due. I would like to know to what extent the Railway

people were really incapable of offering services, because they were short of funds or short of resources or short of men, and whether there were other reasons for this callousness.

Sir, we are told by responsible members of this House that all telegraphic connections were stopped.

(At this stage the member reached the time-limit but was allowed to finish his speech.)

I only require, Sir, that there should be a thorough investigation, and that is why, while supporting the motion of Mr. Hashemy, I have brought this short amendment of a comprehensive character.

Mr. SASANKA SEKHAR SANYAL: May I move my amendment, Sir?

Mr. SPEAKER: No, it is not necessary.

Mr. ABDUL WAHAB KHAN: Mr. Speaker, Sir:—

Mr. SPEAKER: I might say at this stage that we are not sitting to-morrow as previously announced and that we shall meet on the 1st of May next to consider the Calcutta Municipal (Amendment) Bill and after that the Bengal Money-lenders Bill.

Dr. NALINAKSHA SANYAL: Are we to understand, Sir, that the present programme of taking up the Money-lenders Bill on the 1st of May is changed?

Mr. SPEAKER: I am afraid there cannot be any other conclusion! (Laughter.)

Mr. ABDUL WAHAB KHAN: I submit, Sir, that not many words are needed to commend this motion to the acceptance of the House. You are aware, Sir, that I also gave notice of a motion which was framed on these lines. My motion wanted that a Committee should be set up to inquire into the causes of the disaster and also to ascertain the extent of the loss sustained by the passengers and the public.

You, Sir, have been pleased to rule that as the last portion of my motion which relates to the extent of loss and damage that have been caused by this terrible disaster, does not fall within the purview of the motion that has been proposed by my friend Mr. Syed Jalaluddin Hashemy, it should be considered as an independent motion.

Sir, the accident took place on that fateful night when all the passengers were reposing in the land of dreams, and which caused the

most terrible havoc. A very large number of men have been declared dead and a larger number are lying in different hospitals. A large number of families have been rendered desolate by the death of their only earning members. Our feelings are very high on this occasion as we also in this House have lost two of our most valued friends. So we owe to ourselves and to those who have suffered by this disaster to make an attempt to find out the cause of the disaster and to see that such disasters may not recur. About the proposed enquiry, as I have already submitted in my motion, it should consist of experts and non-officials as there have been serious allegations against the Railway administration in the press as well as in this House. There are persons who are still reported to be missing. In to-day's "Basumati," I find, a correspondent has stated that two of his relatives had been travelling by that train—one was found injured and the other could not be traced in spite of several reminders by the relations of the missing person. Very serious doubts have been roused which are not expected to be allayed without an impartial enquiry. It is, therefore, necessary that a Committee of Enquiry consisting of persons who may command the confidence of the public should be set up. There are so many different versions apportioning blames amongst the driver of the Dacca Mail, the Station Master, the Pointsman and others. Therefore, unless an absolutely impartial Committee sifts evidence and materials placed before them and comes to a definite conclusion with regard to this, public anxiety and apprehension can never be allayed. It is true, as we have seen in papers, that some sort of enquiry, which has originated perhaps from the Railway authorities, is going to be made, but this sort of enquiry will not satisfy the mind of the public. Therefore, Sir, we demand a Committee of Enquiry which, as I have already said, may command the confidence of the public at large. My friend, Mr. Jalaluddin Hashemy, in mentioning this accident has unfortunately digressed to make an attack upon the Hon'ble Ministers. I think he ought not to have done it to-day at least. He should have remembered that the Hon'ble Chief Minister, who had been travelling that way took great pains to stop the train by giving an order in writing—

Mr. SYED JALALUDDIN HASHEMY: On a point of personal explanation, Sir. I did not say anything about the Hon'ble Chief Minister.

Mr. ABDUL WAHAB KHAN: You mentioned about the Ministers.

So far as I know, the Hon'ble Chief Minister had gone to the actual site of the disaster. (Dr. NALINAKSHA SANYAL: Do not raise controversial issues.) I am not raising controversial issues—(interruptions from the Opposition benches).

MR. SPEAKER: I hope it will be realised by everybody that according to the Government of India Act as well as by every convention, freedom of speech is the only essential thing for which we have got the justification to come here and so I hope you will allow him to go on uninterrupted.

MR. JOGESH CHANDRA GUPTA: In view of the colossal calamity, I think it would be proper for us to adopt this resolution without entering into controversial and acrimonious debate.

MR. ABDUL WAHAB KHAN: The Hon'ble Chief Minister, looked to the comforts of the surviving passengers, provided for milk for the babies, as far as it was practicable and as far as it was possible within the time at his disposal and in the circumstances. So, it was no use making an attack upon the Hon'ble Ministers in a body or upon any particular Minister. We are at one in supporting the resolution and the objective with which this resolution has been put up. With these few words, I support the motion, as amended by Dr. Sanyal. My feelings are very high on this occasion, because it is a tragedy of a kind of which there has been no other parallel in the province of Bengal.

MR. SASANKA SEKHAR SANYAL: Sir, death and disaster are mighty levellers, and although we are discussing this matter under the shadow of a great calamity, still it is one of the redeeming features that although various groups of this House are accustomed to quarrels and controversies, still at least on this occasion there is an atmosphere of unanimity. Sir, I am refreshingly reminded by my friend, Mr. Chakraverty, that there was a unanimity of disaster when the occurrence took place at Majdia. So out of evil if any good cometh, let us all remember that in the midst of life, we are haunted by death and let us project and protract our vision beyond our noses and let us sit down and solve the greater problems in a spirit of unanimity. In according my support to the motion of my friend, Mr. Hashemy, I have adopted the amendment of Dr. Nalinaksha Sanyal. I also gave an amendment on the same line.

Sir, there are two things—one is after the disaster and another is anterior to the disaster. It will not be enough for us if we merely sit down to hold a *post mortem* examination into the matter and find out the effect of the disaster and shut our eyes to the things that led up to it. So far as things happened after the disaster are concerned, there is one thing which strikes me as very curious. You know, Sir, that Ranaghat is an important station; it is a junction in which the Railway administration has got a vast appendage of men and apparatus and the incident took place at a station which, I am told by my friend, Mr. Haripada Chatterjee, is not more than 18 miles away from Ranaghat. How

is it that although the disaster took place at the small hours of the morning, no relief reached there in time. I submit, Sir, there are two explanations possible: either the Railway administration was absolutely demoralised or there was something wrong in the whole get-up. Probably the whole Railway administration did not venture to face the disaster, and as Dr. Nalinaksha Sanyal has said, and I reiterate, that sometimes rumours become current before actual things see the light of day. Railway administration is sometimes known to be responsible for some smuggling of men and property. I do not know what actually took place there. But, all the same, it is very curious that relief did not reach there in time. What is more important is that it is necessary to find out by proper investigation as to why this disaster was at all possible in the year 1939. Sir, the railway vehicles are not very new and they are taken advantage of by people so frequently that we are almost now in the habit of travelling in trains as we did in bullock carts previously. The railway vehicles must be as safe as the bullock carts, and, if that is not so, I submit, there is certainly something wrong somewhere which is creating accidents like this. I do not know of any accident in which the bullock cart caused the death of a man. There are certain things which have got to be looked into. Why is it that whenever an accident takes place it is only the inter and the third class passengers that die? I do not grudge the first class and second class passengers not dying (laughter). What I want is that third and inter class passengers should also be equally safe. I do not mind the amenities of the inter class compartment being different from those of the second class. There may be no fans, etc. The lavatories may be as bad as now, and sitting accommodations as uncomfortable as ever, but so far as immunity from danger is concerned, I think all these classes should be placed on an equal footing. The Committee which we are proposing ought to be given a clear mandate in that direction to find out what is the difference in the getting up of the carriages which causes death to the lower class passengers. I think the Committee will be doing real justice to the public by giving directions in this line.

Then, Sir, there is the difference in the quality of resistance of these carriages. The first and second class compartments are built up of the same material as inter and third class compartments. Why should there be any difference in the quality of resistance, when one class of compartments breaks into matchwood, other class compartments do not. It is also a matter which should be given proper attention to in that enquiry.

Then, Sir, there is the question of brakes. I do not know, I am not an expert or an engineer, but we are used to ordinary vehicles, cycles and all that and even motor cars. We can avoid accident by proper application of brakes. Why should not this apply to railway? When a train is stopping at a station, the railway staff ought to make provision for stopping signal, so that another train coming from either

direction may know that a particular train is there. These are ordinary things and a solution of the ordinary problems will save many valuable lives. So I submit that Mr. Jalaluddin Hashemy should accept the amendment of Dr. Sanyal which has got the unqualified support of this House. With these observations I support the amendment.

Mr. YUSUF ALI CHOWDHURY: In supporting the motion moved by Mr. Hashemy I feel it my duty to place before the House all that I have seen of that great tragedy that happened on that fateful night of the 17th. It was like a nightmare and the awfulness of the sight is permanently fixed in my mind's eye.

I was sleeping in a first class compartment when I was suddenly roused from my sleep by some friends who were furiously knocking at the door of my compartment. Hurriedly coming out I saw the engine on fire and heard simultaneously the cries and moanings of hundreds of human beings in great agonies coming from the front part of my carriage. I rushed towards the affected compartments and saw in semi-darkness scores of human beings, some mangled out of recognition and others crying for help. With the help of some friends and fellow passengers we immediately started relief work. We thought of extinguishing the fire first and brought it under control with the help of local young men who have in the meantime gathered together. I regret very much to say that up to this stage we did not get much help from the station staff except from one Mr. Malik Suker who was a crew in charge of railway and who worked like a demon in moving the debris and removing the wounded with us. Fortunately we procured two axes from the neighbouring village and succeeded in saving the lives of many of the unfortunate injured. Could the station authorities supply us some such appliances, many other lives could be saved. In this way we worked up to 6 a.m. About that time the first aid in the persons of few police officers with some constables arrived. Immediately they cordoned round the damaged compartments and directed all those who were rendering aid to move away. I vigorously protested and one officer who fortunately knew me induced his fellow officers to allow us to continue the work. More than an hour after the arrival of the police, medical aid arrived for the first time. We felt all this time the extreme need of medical aid but no help came. Had the medical aid and relief train arrived earlier, many more lives could have easily been saved. Before our very eyes many lives were just fading away under the pressure of heavy steel pieces. We seized some properties from some dead bodies and on the arrival of the police we handed them over to them.

One thing that struck us all was the very leisurely way in which the Railway authorities were dealing with the emergency. It is necessary when so many lives have been lost that a sifting enquiry be immediately

held into all that has happened. Negligence of some Railway servants is admitted; it is therefore the greater need that responsibility should be definitely fixed.

With these words I whole-heartedly support the resolution of Mr. Jalaluddin Hashemy.

Mr. SURENDRA MOHAN MAITRA: Mr. Speaker, Sir, as one who had the misfortune of travelling by train sometime after the disaster, I shall be able to unfold before this House—

Mr. SPEAKER: Of your good fortune!

Mr. SURENDRA MOHAN MAITRA: I do not know whether it is misfortune or good fortune.

As I was saying, I shall be able to unfold before this House facts which, I hope, will compel the Hon'ble Maharaja to accept the motion of my friend Mr. Hashemy as amended by Dr. Sanyal, if he has in him that human touch. We arrived by the Shillong Mail at 2-30 and what did we see? We saw on the platform about 11 dead bodies lying uncovered—a ghastly scene which repelled everybody. The platform was stained with blood and there were several dead bodies in the bazar nearby. There were also several wounded persons who were not cared for, who were unattended. The most funny thing is that we found no rescue party at that time at the station. One of the compartments was found to be sandwiched and out of it the leg of a human being, very likely that of a woman, was protruding. We were told that there were several other bodies, dead or living, within that compartment, but no attempt was made to extricate those bodies. We travelled all along from Ishurdi to Ranaghat. We have not found any adequate arrangement for food or proper drinking water. The Shillong Mail was made to run as an ordinary passenger train taking in passengers from all stations. The most curious thing is that no attempt was made to send immediately a rescue party to Majdia Station. We found that policemen were drafted in every station in large numbers and they were practically jammed even in the 1st and 2nd class compartments. We did not know for what purpose the police were sent to Majdia because we never found them rendering any help to those persons who were still alive there.

Now, Sir, there is another thing which struck me and which I am compelled to say though it may sound somewhat out of tune in to-day's discussion. The life of the guard was extinct at that time. The dead body of the guard was brought in by the Assam Mail, but the dead body of a member of this House which was lying in the bazar nearby was

not sent by that train and never taken care of by any responsible person though sufficient interval had elapsed between the time of the disaster, as a result of which Birendra Babu died, and the time when we reached the station. We do not know why there should be this difference in the treatment. The station staff was found to be too wooden. They require, I think, some nature's touch. Otherwise we never found them very anxious to render any help that they could give even at that time. We were told on the platform itself that just at the time when the collision took place, as my honourable friend sitting over there said, there was a fire in the *hāt* just by the side of the station and there was a large congregation of people. These people came to render aid to the dying and the dead. There were also Congress volunteers, but the most lamentable and at the same time the most peculiar thing was that the station staff refused to allow them to do the succouring. Only at the intercession of my honourable friend and colleague over there, Dr. Prafulla Ghosh and others who were travelling, these people could be persuaded and with their help some relief could be given to the sufferers in that disaster.

The case for an enquiry is so very clear that I think the Hon'ble Maharaja must not take his stand behind any rule to shut out the matter. I know, and I am sure the Hon'ble Maharaja also knows it well, that the railway administration has a peculiar way of doing things. It never takes into account the question of comfort of the passengers. It never takes timely action as in the present case. Though Ranaghat was so very near, no timely aid was given to the victims of the disaster. We found at half-past-two in the noon the engine was lying in the same condition and no attempt was being made to remove the wreckage. The two carriages which were damaged were still lying in the same condition in that place, and we did not find any relief train or any relief party to clear that line.

Under the circumstances, I appeal to the Hon'ble Minister to accept the motion without raising any objection, because he must assure the public that the life of the travelling passenger is safe. Just a few minutes ago I was taking tea with Mr. Abdur Rauf. He was telling me that he was afraid to travel by the North Bengal train. A panic has been created in the minds of the people and it is time for the authorities and for the Government to give sufficient assurance to the public that railway travelling is not so bad as we are made to think just now on account of so many disasters on the East Indian Railway and the recent disaster on the Eastern Bengal Railway.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar:
 Mr. Speaker, Sir, I do not want to enter into the merits of the motion. While having full sympathy with the mover, the attitude which the

- Government would like to take in this matter, is to forward the proceedings of the debate to the proper quarters. I hope, Sir, the House is aware that this is a matter in which the Provincial Government has practically no hand. The Railways are under the direct control of the Government of India and I think they would be competent to come to any decision they deem proper after they have gone through the proceedings. The charges made in the motion are extremely serious and that is why I gave my consent to its discussion on the floor of this House. It is needless to say how much we are all shocked at the terrible nature of the accident and the many lives which were lost, including the lives of two honourable members of this House. It is admitted that in recent times railway accidents have become matters of more frequent occurrence. I wish it was possible to devise ways and means to prevent them.

Sir, the Hon'ble the Chief Minister on his way to Calcutta visited the place of the disaster and therefore I think that the charge which Mr. Hashemy made that no Minister visited the place falls to the ground. I also had the opportunity to visit the place of occurrence a day later. I never expected that Mr. Hashemy would raise the question about the sufficiency or otherwise of the medical aid given by the Medical College and the Campbell Medical Hospital authorities to the injured. The Hon'ble Minister in charge of the Medical Department as well as myself visited both the places and made due enquiries from the patients about the attention they were getting from the medical men and there was not a single case where any complaint was made to us. As I have already stated, a copy of the proceedings will be forwarded to the Government of India for their information and for taking any action which they may think fit.

The amendment of Dr. Nalinaksha Sanyal to the motion of Mr. Syed Jalaluddin Hashemy that after the words "to make an enquiry into" the following words be added—

"the circumstances connected with the recent Railway disaster at
Majdia and"

was then put and carried.

The motion of Mr. Syed Jalaluddin Hashemy, as amended, that this Assembly is of opinion that the Government of India be immediately moved to appoint an independent committee of non-officials and officials not connected with Railway administration to make an enquiry into the circumstances connected with the recent Railway disaster at Majdia and the conduct and responsibility of the Railway administration and Railway staff immediately following the Majdia railway

disaster with reference to the following among other allegations and complaints:—

- (A) delay in providing proper medical and other reliefs and their inadequacy;
- (B) inadequacy of lights at the station and the scene of accident;
- (C) failure to make arrangements for drinking water and other necessary food articles for a large number of injured passengers and other passengers of the trains involved in the collision and of the other trains detained in consequence for hours in a terribly hot day;
- (D) failure to make necessary arrangements for the comforts and conveniences of passengers injured and detained;
- (E) delay in sending the injured and the dead passengers to Calcutta and in taking prompt steps to send the detained trains to Calcutta;
- (F) conduct of the Railway staff following the accident;

was then put and agreed to.

Adjournment.

The House was then adjourned till 4-45 p.m. on Monday, the 1st of May, 1939, at the Assembly House, Calcutta

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